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PROCEEDINGS AND DEBATES OF THE 90th CONGRESS, FIRST SESSION

SENATE

WEDNESDAY, NOVEMBER 22, 1967

(Legislative day of Tuesday, November 21, 1967)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore.

Rev. John E. Huss, minister, Charleston Heights Baptist Church, Charleston, S.C., offered the following prayer:

Our Father in Heaven, we have reason to express profound gratitude to Thee every day of our lives. Whenever we think, there is a desire to thank. During this 1967 Thanksgiving season we wish to express special gratitude. May our thanks be as fervent for mercies received, as our petitions for blessings we seek.

Help us to exalt Thee as did the Psalmist who burst into praise and was constrained to say: "O Lord, our Lord, how excellent is Thy name in all the earth."

We are thankful for America, a nation born in revolution and now engaged in an agonizing struggle to guarantee freedom and prevent the enslavement of a people on the other side of the world. Father, console and comfort those whose minds are filled with precious memories of those who have given their lives for our country.

We pray for the President of these United States and for all the men and women who share the burden of responsibility in high office. Bestow upon this leadership divine guidance in the decisions they constantly make. Give to them a strength equal to the task. Provide for them relaxation that renews. Inspire their thinking so that a trail may be blazed to bring a just and honorable peace that will end the dilemma in Vietnam.

With love for Thee and loyalty to our country we humbly offer this petition in the name of Jesus Christ.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Tuesday, November 21, 1967, be approved.

The PRESIDENT pro tempore. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business, and that statements therein be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that in the minute preceding the vote on the pending business at 11 a.m., the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN] be recognized to propound questions concerning the schedule for the remainder of the day and next week.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the two nominations on the Executive Calendar.

The PRESIDENT pro tempore. Without objection, it is so ordered.

DISTRICT OF COLUMBIA COURT OF GENERAL SESSIONS

The legislative clerk read the nomination of Arthur Christopher, Jr., of the District of Columbia, to be associate judge of the District of Columbia court of general sessions.

The PRESIDING OFFICER (Mr. FANNIN in the chair). Without objection, the nomination is considered and confirmed.

DISTRICT OF COLUMBIA LAND AGENCY

The legislative clerk read the nomination of Alfred P. Love to be a member of the District of Columbia Redevelopment Land Agency.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendars Nos. 779 and 780.

The PRESIDING OFFICER. Without objection, it is so ordered.

LIMITATIONS UPON ATTORNEYS' FEES BEFORE U.S. ADMINISTRATIVE AGENCY PROCEEDINGS

The bill (S. 1073) to remove arbitrary limitations upon attorneys' fees for services rendered in proceedings before administrative agencies of the United States, and for other purposes was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1073

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) to the extent that any provision of law heretofore enacted or any rule or regulation heretofore adopted by any administrative agency (1) imposes upon any attorneys' fees any limitation to a prescribed amount or to a prescribed maximum percentage of any award made in any administrative proceeding, or (2) authorizes an agency in its discretion to determine attorneys' fees or to approve attorneys' fees charged for the rendition of such services in any administrative proceeding; or (3) imposes any penalty or sanction upon any attorney who charges, contracts for, or receives any fee in excess of any such limitation for the rendition of services in connection with any administrative proceedings, such provision of law, rule, or regulation shall have no force or effect after the effective date of this Act.

(b) In any proceedings heretofore subject to any provision of law or rule or regulation referred to in (a) above, an administrative agency may hereafter provide, by published rule or regulation, than an attorney shall, at the conclusion of such proceedings, file with the agency the amount of fee charged in connection with his services rendered in such proceedings.

(c) After the fee information is filed by an attorney under (b) above, an agency may determine, in accordance with such published rules or regulations as it may provide, that such fee charged is excessive. If, after notice to the attorney of this determination, the agency and the attorney fail to agree upon a fee, the agency may, within ninety days after receipt of the information required by (b) above, petition the United States district court in the district in which the attorney maintains an office, and the court shall determine a reasonable fee for the services rendered by the attorney.

(d) As used in this Act—

(1) The term "administrative agency" means any executive department or any agency or instrumentality thereof, any independent administration, board, or commission of the Government, and any wholly owned Government corporation.

(2) The term "administrative proceeding" means any application made to, and any formal or informal proceeding, conference, or meeting conducted by, any administrative agency or any officer or employee thereof for or in connection with the submission, consideration, determination, adjudication, or review of any claim against the United States or any demand or request for any monetary or other benefit or privilege under any statute of the United States.

SEC. 2. This Act shall take effect on the first day of the third month beginning after the date of enactment of this Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 795), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

This bill was first introduced by Senator McClellan, of Arkansas, on March 15, 1965 (S. 1522) for the purpose of removing arbitrary limitations which are now placed upon attorneys' fees for services rendered before certain administrative agencies of the United States. In a statement on behalf of his bill, Senator McClellan said:

"I introduced this bill (S. 1522) to correct what I consider to be inequities in the allowance of attorneys' fees in proceedings before certain administrative agencies. Many of the existing limitations * * * are a direct outgrowth of the depression years. The maximum amount now allowable reflects the general attitude of that time."

Senator McClellan's bill as amended, passed the Senate on June 13, 1966. (See S. Rept. 1233, 89th Cong., second sess.) In the 90th Congress, on February 26, 1967, Senator McClellan reintroduced his bill (S. 1073) in the identical form as had previously passed the Senate. The bill would repeal all existing statutory and agency limitations on attorneys' fees. It would permit attorneys to enter into fee contracts with their client, subject only to subsequent review by an administrative agency of the United States to determine if the fee charged is excessive.

LEGISLATIVE HISTORY

The general rule followed by American courts is that attorneys' fees "are not ordinarily recoverable in the absence of a statute or enforceable contract providing therefor" (*Arcambel* v. *Wiseman*, 3 Dall. 306 (1796); *Fleischmann Distilling Corporation* v. *Maier Brewing Co.*, 386 U.S. 714 (1967)).

There are today many statutes and agency rules and regulations which now impose limitations on attorneys' fees charged clients for services rendered in connection with administrative proceedings. (See p. 6 for list compiled by the American Bar Foundation.) These limitations can be grouped into three general types:

(1) Fixed dollar limitations—such as a $10 fee for handling certain Veterans' Administration cases;

(2) Fixed percentage limitations—such as the 10-percent limitation for handling claims before the Foreign Claims Settlement Commission; and

(3) Administrative discretion limitations—such as exercised by the Social Security Administration.

The origin of these statutory fee limitations is rooted in the desire of the Congress to protect individual members of the public from unconscionable representatives or agents, whether lawyers or not, and to insure that particular funds made available for special legislative purposes, such as veterans' benefits, social security, or restitution to Indians, are directed toward those purposes with absolute minimum diversion on account of claims of lawyers, agents, or other representatives. Furthermore, the Congress was interested in discouraging champerty. According to Justice Brandeis, "Congress has sought both to prevent the stirring up of unjust claims against the Government and to reduce the temptation to adopt improper methods of prosecution which contracts for large fees contingent upon success have sometimes been supposed to encourage." (*Calhoun* v. *Massie*, 253 U.S. 170, at 173–174, 1920. The Court in this case, and in a series of such cases, held these fee limitation clauses constitutional. It was the opinion of the Court that the Congress has power to attach conditions to the pensions it chooses to award, and thus lawyers were not deprived of due process of law.)

Thus, when Congress enacted a new pension bill early in the Civil War, it included a $5 fee limitation for presentation of a claim. The rationalization for this limitation was on grounds of the rapacity of attorneys and agents, the naivete of the average pensioner, and the simplicity of the administrative procedure involved. Two years later, in 1864, this fee cause was repealed in favor of a provision allowing a maximum fee of $10 for all services rendered in securing a pension.

The legislative history of the various fee limitations which S. 1073 would remove is significant only by the almost total absence of attention given to the problem in congressional hearings and reports. No doubt, many fee limitation clauses were added as an ad hoc response to evils, or imagined evils, which may not necessarily have existed in the bulk of cases to which the clauses apply. The committee is of the opinion that, in too many instances, the fee rider has been automatically added without debate in Congress and with little, if any, protest from the bar.

Hearings on S. 1522 were held on February 28, 1966, before the Subcommittee on Administrative Practice and Procedure. One dominant theme raised by representatives of the bar was that the existing system of arbitrary limitations on attorneys' fees not only is a breach of normal attorney-client relationships, but also is against the best interests of the claimant himself. Indeed, as representatives of the American Bar Association informed the subcommittee, "the right or privilege of being represented by counsel in a Federal administrative proceeding becomes hollow * * * if the private party is prohibited from paying his attorney other than a subnormal fee. Retaining one's own counsel is a private right which deserves safeguarding in fact as well as in theory."

The committee is of the opinion that, in many instances, the existing limitations on attorneys' fees deprive a claimant of counsel of his own choosing. Abraham Lincoln has said that a lawyer's time and advice are his stock in trade. And representatives of the bar were frank to admit that—except for motives of charity—a lawyer cannot afford to take a case where he may not even be reimbursed for his actual, out-of-pocket expenses.

During the course of the hearing, the Veterans' Administration suggested that the bill "presents the basic question as to whether an individual claiming veterans' benefits should be encouraged to obtain an attorney to present his claim, with the resultant expense, or whether he should be encouraged to utilize the representation alternatives now available to him, which involve no cost on his part."

Meritorious as this statement may appear, S. 1073 is not intended to present a claimant with a choice of alternate remedies. The committee is most cognizant of the excellent representation which the many veterans' organizations provide, and S. 1073 would not be interpreted so as to deprive these organizations of any of their activities. In this connection, S. 1073 is intended merely to remove any existing arbitrary limitations on attorneys' fees so that if legal assistance becomes necessary—and if the claimant so desires—competent counsel can be obtained.

It must also be noted that, whereas in the area of veterans' affairs there are many professional veterans' organizations offering claims assistance, no such similar organizations exist in the many other areas to which S. 1073 will apply.

During the course of the subcommittee hearings, representatives of the Social Security Administration and the Department of the Interior opposed enactment of such an attorney fee bill. The committee believes that most objections were met by the addition of the amendments to S. 1522, which are now incorporated into S. 1073. Additionally, the Department of Justice, in a letter dated February 28, 1966, informed the committee that it, "agrees with the general approach of S. 1522, in its abolition of across-the-board limitations on attorneys' fees and services rendered in proceedings before Federal administrative agencies."

The committee accordingly is of the opinion that S. 1073 effects a balancing of the interests of all parties concerned; namely, the individual claimant under a Federal statute, his private lawyer, and the Government itself.

WHAT S. 1073 WOULD DO

S. 1073 would—

1. Abolish fixed dollar amount, maximum percentage of award, and administrative discretion types of limitation on attorneys' fees in administrative proceedings.

2. Allow attorneys' fees for services rendered in administrative proceedings to be set initially in the course of normal attorney-client relationships.

3. Allow agencies in their discretion to establish procedures for the disclosure of attorneys' fees in those cases where existing arbitrary limitations will be abolished.

4. Enable agencies in such cases to challenge any attorney's fee on grounds of its excessiveness and to petition an appropriate Federal district court if agreement on a proper fee within a reasonable time is not reached.

5. Leave unchanged the fee situation in administrative proceedings unaffected by the abolition of arbitrary limitations on attorneys' fees.

PROHIBITING COERCION IN SOLICITATION OF CONTRIBUTIONS

The bill (S. 1036) to protect members of the Armed Forces of the United States by prohibiting coercion in the solicitation of charitable contributions and the purchase of Government securities was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1036

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. It shall be unlawful for any commissioned officer, as defined in section 101, title 10, United States Code, or any member of the Armed Forces acting or purporting to act under his authority to coerce, or attempt to coerce, any member of the Armed Forces to invest his earnings in bonds or other obligations or securities issued by the United States or any of its departments or agencies, or to make donations to any institution or cause of any kind: *Provided, however*, That nothing contained in this subsection shall be construed to prohibit any commissioned officer or any member of the Armed Forces acting or purporting to act under his authority from calling meetings or taking any action appropriate to afford to any member of the Armed Forces of the

United States the opportunity voluntarily to invest his earnings in bonds or other obligations or securities issued by the United States or any of its departments or agencies or voluntarily to make donations to any institution or cause of any kind.

SEC. 2. Any commissioned officer as defined in section 101, title 10, United States Code, or any member of the Armed Forces acting or purporting to act under his authority who willfully violates any of the provisions of this Act, shall be punished as a court-martial may direct.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 796), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

This bill is intended to prohibit coercive practices that have some times occurred in the Armed Forces during campaigns to sell savings bonds and to solicit charitable donations.

LEGISLATIVE HISTORY

During the past five Congresses the Subcommittee on Constitutional Rights of the Senate Committee on the Judiciary has conducted extensive investigations into various types of governmental activity involving invasions of privacy of civilian and military employees of the U.S. Government.

Of the violations of individual rights found by the subcommittee, some of the worst occurred in connection with techniques employed to secure participation in the periodic campaigns to sell Government savings bonds and to solicit contributions to charity drives.

As a result of the abuses discovered during these studies, legislation was introduced in the 89th Congress and again in the 90th Congress to protect Government employees in their basic rights to privacy. S. 1035, which was intended to prevent coercive practices against civilian employees of the Government, was approved by the Senate on September 13 by a vote of 79 to 4. Section 1(h) of that bill is similar to S. 1036, which is a companion bill designed to protect members of the Armed Forces against coercion to participate in bond sales or to donate to charity.

NEED FOR LEGISLATION

The files of the Subcommittee on Constitutional Rights are replete with correspondence from members of the Armed Forces complaining about the pressures used against them to participate in purchasing bonds or in contributing to various causes.

Among the threats, reprisals, and punishment are these: denials of leave to servicemen departing for Vietnam, refusal of weekend passes, detrimental reports that mar a serviceman's record and often impede his advancement, official threats of denial of promotion, and assignment of unpleasant duties or undesirable working hours. The extent of reprisals varies with the ingenuity and imagination of the persons responsible for filling the quotas.

Coercion and pressure tactics are forbidden officially by policies of the Department of Defense. But it is impractical by administrative action to police the violations of the principle of voluntary participation. It is extremely difficult to investigate and correct instances of coercion because most of the pressures are applied orally and thus are impossible to verify conclusively and because most of the complainants ask that their names not be used to avoid punishment by the superiors in the chain of command whose actions were the subject of the complaint.

The committee does not wish to discourage thrift or charitable contributions, and the bill makes clear that there is no prohibition against action to give members of the Armed Forces an opportunity to invest their earnings in bonds voluntarily or to make voluntary contributions. But the committee is convinced that much of the activity in this area is excessive to the point of intimidation. The committee expects that not many members of the Armed Forces will be prosecuted under the authority of this bill, but the bill should act as a deterrent against the kinds of abuses that have been established.

TRIBUTE TO SENATOR LONG OF LOUISIANA

Mr. MANSFIELD. Mr. President, I wish to take this occasion, before the vote on the unfinished business, the social security bill, is concluded, to express my admiration and gratification to the distinguished Senator from Louisiana [Mr. LONG], the deputy majority leader and the chairman of the Committee on Finance. The outstanding skill he has shown in managing this most comprehensive, difficult, and technical bill, for the past week will remain as a lasting impression on the minds of all Senators.

He has conducted himself with great dignity, decorum, understanding, and tolerance. He has been able to answer the questions raised with clarity and skill. He is to be commended for conducting, in the highest traditions of the Senate, the type of management which we all admire and appreciate, especially when a bill of this magnitude is before us. Its carefully drawn provisions represent a major achievement for the countless number of Americans who will benefit. But the real achievement today is the one about to occur when the Senate votes to pass H.R. 12080. This will be Senator LONG's achievement; one he can add to his already abundant record in the service of the Nation.

I should also like to extend my commendation to the distinguished senior Senator from Delaware [Mr. WILLIAMS], the ranking minority member of the Committee on Finance, who, although he had some very strong differences of opinion, did not in any way delay the work of the Senate. He expressed his views with clarity and decisiveness, with deep sincerity and conviction. He made a distinct and enriching contribution. His deep understanding of the many facets of our social security system, his knowledge of the many provisions of this bill were of immense assistance.

There are others who are to be commended. The Senator from Florida [Mr. SMATHERS], the Senator from New Mexico [Mr. ANDERSON] and the others on the committee deserve praise for their strong efforts both in committee and here in the Chamber.

The distinguished Senator from Nebraska [Mr. CURTIS] is to be singled out for his outstanding contribution. He urged his views with great conviction and sincerity though they differed in many respects from those of a majority of the Senate. The Senator from Vermont [Mr. PROUTY] similarly deserves the praise of the Senate for again manifesting his deep and abiding devotion to our elderly citizens.

I particularly wish to note the contribution of the Senator from South Dakota [Mr. MCGOVERN] whose profound interest in and strong support for this vitally important measure has served immensely to assure what I am certain will be an overwhelming success. His cooperation throughout the consideration of the measure was splendid.

The Senator from Oklahoma [Mr. HARRIS] shares the gratitude of the Senate for his diligence and efforts in behalf of this measure, as do the Senators from Indiana [Mr. HARTKE and Mr. BAYH], the Senators from New York [Mr. JAVITS and Mr. KENNEDY] and the Senator from Iowa [Mr. MILLER]. They, along with the Senator from New Mexico [Mr. MONTOYA] and others, urged their views clearly and articulately, offered amendments which often met the approval of the Senate and generally helped to make the discussion and debate on this bill of the highest caliber and in the best traditions of the Senate.

So again, to Senator RUSSELL B. LONG, to the committee which he so ably chairs and to the Senate goes the heartfelt thanks of the leadership, and the thanks of a grateful nation for cooperating so magnificently to ready the sweeping improvements of the social security program and the other benefits proposed in H.R. 12080 for final disposition—a disposition, I am confident, that will be highly, highly favorable. It will be a lasting credit to this body.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, under the provisions of Public Law 81–754, appoints the following Senator to the National Historical Publications Commission: Senator PELL.

The Chair, on behalf of the Vice President, under the provisions of Public Law 170 of the 74th Congress, appoints the following Senator to attend the Interparliamentary Union meeting, to be held at Rome, Italy, on December 3–9, 1967: Senator LAUSCHE.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 1031) to amend further the Peace Corps Act (75 Stat. 612), as amended.

The message also announced that the House had passed the following bills of the Senate, severally with an amendment, in which it requested the concurrence of the Senate:

S. 910. An act for the relief of the estate of Patrick E. Eagan;

S. 1367. An act to authorize the Secretary of the Interior to prevent terminations of oil and gas leases in cases where there is a nominal deficiency in the rental payment, and to authorize him to reinstate under some conditions oil and gas leases terminated by

operation of law for failure to pay rental timely; and

S. 2514. An act to grant the consent of Congress to the Wheeling Creek Watershed Protection and Flood Prevention District compact.

The message further announced that the House had passed the following bills and joint resolution in which it requested the concurrence of the Senate:

H.R. 2760. An act for the relief of Sondra D. Shaw;

H.R. 3528. An act for the relief of Isaac Chervony, M.D.;

H.R. 4818. An act for the relief of O. P. Becken;

H.R. 4819. An act for the relief of Ralph W. Heneman;

H.R. 4820. An act for the relief of Sylvan H. Miller;

H.R. 4821. An act for the relief of Arnold E. Remmen;

H.R. 6305. An act for the relief of Claud Ferguson;

H.R. 6890. An act for the relief of Lester W. Hein and Sadie Hein;

H.R. 8476. An act to confer U.S. citizenship posthumously upon Pfc. Alfred Sevenski;

H.R. 8481. An act for the relief of Richard Belk;

H.R. 9063. An act to amend the International Claims Settlement Act of 1949, as amended, to provide for the timely determination of certain claims of American nationals, and for other purposes;

H.R. 10864. An act to authorize the Secretary of Agriculture to convey certain lands in Saline County, Ark., to the Dierks Forests, Inc., and for other purposes;

H.R. 12019. An act to exempt from taxation certain property of the B'nai B'rith Henry Monsky Foundation in the District of Columbia; and

H.J. Res. 859. Joint resolution extending for 1 year the emergency provisions of the urban mass transportation program.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 2760. An act for the relief of Sondra D. Shaw;

H.R. 3528. An act for the relief of Isaac Chervony, M.D.;

H.R. 4818. An act for the relief of O. P. Becken;

H.R. 4819. An act for the relief of Ralph W. Heneman;

H.R. 4820. An act for the relief of Sylvan H. Miller;

H.R. 4821. An act for the relief of Arnold E. Remmen;

H.R. 6305. An act for the relief of Claud Ferguson;

H.R. 6890. An act for the relief of Lester W. Hein and Sadie Hein;

H.R. 8476. An act to confer U.S. citizenship posthumously upon Pfc. Alfred Sevenski; and

H.R. 8481. An act for the relief of Richard Belk; to the Committee on the Judiciary.

H.R. 9063. An act to amend the International Claims Settlement Act of 1949, as amended, to provide for the timely determination of certain claims of American nationals, and for other purposes; to the Committee on Foreign Relations.

H.R. 10864. An act to authorize the Secretary of Agriculture to convey certain lands in Saline County, Ark., to the Dierks Forests, Inc., and for other purposes; to the Committee on Agriculture and Forestry.

H.R. 12019. An act to exempt from taxation certain property of the B'nai B'rith Henry Monsky Foundation in the District of Columbia; to the Committee on the District of Columbia.

PROPOSED CONCESSION CONTRACT FOR PUBLIC SERVICES IN LASSEN VOLCANIC NATIONAL PARK, CALIF.

The PRESIDING OFFICER laid before the Senate a letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed concession contract for public services in Lassen Volcanic National Park, Calif., which, with the accompanying papers, was referred to the Committee on Interior and Insular Affairs.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDING OFFICER:

A resolution adopted by the Legislature of the Trust Territory of the Pacific Islands, endorsing the proposed plan to reestablish military installations in Rota, Tinian, Saipan, and the Northern Islands; to the Committee on Armed Services.

A resolution adopted by the City Council of the City of Cambridge, Mass., praying for the enactment of legislation to eliminate poverty; to the Committee on Labor and Public Welfare.

REPORTS OF A COMMITTEE

The following reports of a committee were submitted:

By Mr. BIBLE, from the Committee on the District of Columbia, without amendment:

H.R. 8582. An act to amend chapter 7 of title 11 of the District of Columbia Code to increase the number of associate judges on the District of Columbia court of appeals from two to five, and for other purposes (Rept. No. 802).

By Mr. TYDINGS, from the Committee on the District of Columbia, without amendment:

H.R. 2529. An act to amend the act of September 8, 1960, relating to the Washington Channel waterfront (Rept. No. 803).

By Mr. TYDINGS, from the Committee on the District of Columbia, with an amendment:

S. 1629. A bill to authorize the Commissioners of the District of Columbia to enter into joint contracts for supplies and services on behalf of the District of Columbia and for other political divisions and subdivisions in the National Capital region (Rept. No. 804).

By Mr. TYDINGS, from the Committee on the District of Columbia, with amendments:

S. 1532. A bill to require that contracts for construction, alteration, or repair of any public building or public work of the District of Columbia be accompanied by a performance bond protecting the District of Columbia and by an additional bond for the protection of persons furnishing material and labor, and for other purposes (Rept. No. 805).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ALLOTT (for himself and Mr. DOMINICK):

S. 2686. A bill to provide workmen's compensation protection to certain individuals who, while employed in, or in connection with, the mining of radioactive material, suffer injury or death from the effects of radiation; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. ALLOTT when he introduced the above bill, which appear under a separate heading.)

By Mr. LAUSCHE (by request):

S. 2687. A bill to amend section 17 of the Interstate Commerce Act to provide for judicial review of orders of the Interstate Commerce Commission, and for other purposes; to the Committee on Commerce.

By Mr. WILLIAMS of New Jersey (for himself, Mr. CASE, Mr. KENNEDY of Massachusetts, Mr. KENNEDY of New York, Mr. MORSE, Mr. YARBOROUGH, Mr. CLARK, Mr. PELL, and Mr. JAVITS):

S. 2688. A bill to extend and otherwise amend certain expiring provisions of the Public Health Service Act for migrant health services; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. WILLIAMS of New Jersey when he introduced the above bill, which appear under a separate heading.)

By Mr. ALLOTT:

S. 2689. A bill for the relief of Aldo Ferretti; to the Committee on the Judiciary.

By Mr. BARTLETT:

S. 2690. A bill to settle the land claims of the Indians, Aleuts, and Eskimos of Alaska against the United States, and for other purposes; to the Committee on Interior and Insular Affairs.

RESOLUTION

CONTINUATION OF SPECIAL COMMITTEE OF THE ORGANIZATION OF THE CONGRESS THROUGH JANUARY 31, 1968

Mr. MONRONEY (for himself, Mr. BOGGS, Mr. CASE, Mr. METCALF, Mr. MUNDT, and Mr. SPARKMAN) submitted a resolution (S. Res. 188) continuing the Special Committee on the Organization of the Congress through January 31, 1968, which was referred to the Committee on Rules and Administration.

(See the above resolution printed in full when submitted by Mr. MONRONEY, which appears under a separate heading.)

RELIEF OF URANIUM MINERS

Mr. ALLOTT. Mr. President, earlier this year the Nation's attention was directed to a tragic situation regarding the incidence of lung cancer among uranium miners. The news media carried several stories concerning the deaths of uranium miners attributable to lung cancer. Certain members of the medical profession have expressed the opinion that there is a connection between exposure to radon gas and the incidence of lung cancer. Dr. Victor Archer of the Occupational Health Field Station, U.S. Public Health Service, Salt Lake City, Utah, in testifying before the Joint Committee on Atomic Energy on July 26, 1967, made this observation:

I was pleased to note that in earlier testimony at these hearings, no one challenged the concept that radiation exposure in uranium mines can cause lung cancer among miners. That represents progress; 10, or even 5 years ago, I am sure that that concept would have been challenged.

Despite Dr. Archer's note of "progress," it would appear that the medical panel of the Utah Industrial Commission does not share his opinion. In an August 24, 1967, decision of the Utah Su-

preme Court, such a finding was apparently sustained.

Mr. President, I ask unanimous consent that the Garner decision of the Utah Supreme Court be inserted in the RECORD at this point.

There being no objection, the decision was ordered to be printed in the RECORD, as follows:

[In the Supreme Court of the State of Utah, No. 10667, filed August 24, 1967, L. M. Cummings, clerk]

EOLA MARGARET GARNER, WIDOW, AND JAMES DOUGLAS GARNER AND PAMELA GARNER, MINOR CHILDREN OF DOUGLAS GARNER, DECEASED, PLAINTIFFS, *v.* HECLA MINING COMPANY AND THE INDUSTRIAL COMMISSION OF UTAH, DEFENDANTS

Crockett, Chief Justice:

Plaintiffs, the widow and children of Douglas Garner, attack the findings and order of the Industrial Commission denying benefits for his death which they contend resulted from an occupational disease caused from working as a uranium miner for the defendant Hecla Mining Company.

Mr. Garner had worked in and around uranium mines since 1940; 15 years of it underground. The last eight years had been in Utah, four years of that for the defendant Hecla Mining Company. He became ill and was hospitalized on July 14, 1963. Tests were taken which revealed extensive carcinomatosis (a form of cancer), involving the lungs, bronchus, preaortic nodes, liver, spleen, and adrenal glands. After his death, September 15, 1963, the autopsy report showed that he had severe aortic artherosclerosis and coronary atherosclerosis.

Our occupational disease statutes were enacted as an adjunct to the compensation previously provided for accidental injuries to further implement one of the main policy considerations which underlies workmen's compensation: that industry should bear the burdens of the human casualty it causes.[1] Due largely to the difficulty in ascertaining causal relationships it has proceeded into that field with caution, limiting coverage to certain named diseases and adding: such other diseases or injuries to health which "directly arise as a natural incident of the exposure occasioned by the employment" and only where it is shown there is a "direct and proximate causal connection between the conditions of the work and the occupational disease," and which does not result from a hazard to which the workman would have been equally exposed outside of the employment.[2]

Plaintiffs urge the persuasiveness of statistical data, scientific evidence and medical opinion that there is a much higher than average incidence of lung cancer in uranium miners. The hazardous agent is radon gas. When a man breathes it, it changes in several chemical steps to the end product, known as lead-210. This accumulates in the kidneys, liver, spleen and especially the bones. By autopsy it can be determined to some degree the exposure a person had to the radon gas. Correlating with this, it was shown that Mr. Garner had 34 times as much lead-210 in his bones as the average for a nonminer; and that the Hecla Mine had about 2½ times as much of the radon gas as the "recommended working level" approved by the Federal Government and some states which have regulations on the subject.

The foregoing evidence came from competent sources, including Dr. Victor E. Archer, an apparently well qualified expert who had had large experience and had done investigation and research in this field. He was not the attending physician but upon the basis of the foregoing information was of the opinion that there was a very high possibility that the death of Mr. Garner resulted from lung cancer caused by the radon gas present in uranium mines. This is the foundation of plaintiffs' argument that the Commission was capricious and arbitrary in its refusal to find that the cause of Mr. Garner's death was an occupational disease as defined in our statutes referred to above.

We have no doubt about the propriety of receiving and considering the evidence above referred to, and of scientific data and expert opinions based thereon concerning the high incidence of lung cancer in uranium miners, because they are relevant to the critical problem here. This evidence is indeed somewhat impressive and may well be regarded as calling attention to the question whether lung cancer of uranium miners should be included in the occupational diseases specified by statute as compensable. However, that is a legislative, not a judicial problem.

Under our statutes and long established decisional law there are insuperable obstacles to the granting of the relief sought by plaintiffs on this appeal: it was their burden to show affirmatively and to so persuade the Commission that Mr. Garner's death resulted from a disease caused by his occupation. It is the prerogative of the Commission, and not of any individual witness, or even of the medical panel, to judge the credibility of the evidence, and upon the basis of the whole evidence to determine the facts. The plaintiffs having failed to so persuade the Commission, it is the duty of this court to survey the evidence in the light most favorable to the findings and order; and we cannot reverse and compel an award unless there is credible evidence without substantial contradiction which points so clearly and persuasively in plaintiffs' favor that failure to so find must be regarded as capricious and arbitrary. Conversely, if there is any reasonable basis in the evidence, or from the lack of evidence, which will justify the refusal to so find, we must affirm.[3]

While it seems logical that the unusually high incidence of lung cancer in uranium miners would indicate in the same ratio the higher probability than otherwise that such was the cause of the disease, it nevertheless falls short of compelling a finding that such was the cause in any individual case. For illustration, in a more commonly known field: the fact that the incidence of lung cancer in heavy cigarette smokers is 30% to 50% higher than in nonsmokers does not necessarily compel that conclusion that any individual smoker's case of lung cancer resulted from cigarette smoking. The disease also arises quite independently of and therefore apparently from other causes than cigarette smoking. Incidentally on the subject of cigarettes, it was shown that Mr. Garner himself had smoked a package a day for about 20 years.

The insuperable difficulty in plaintiffs' attack on the Commission's finding is that they improperly attempt to focus consideration of the issues exclusively upon their own view of the evidence and theories of the case. While some aspects of the statistical data and medical theories harmonize with their contention, others failed to do so. For instance, Dr. Saccomanno, the pathologist called by them, acknowledged the well known but unfortunate uncertainty as to the cause of cancer. He readily admitted that, in any given individual, "there are a great many unknown factors as to what might cause cancer" and that ". . . it could be concluded that the radon gas alone didn't cause the problem incident to the death, but it's merely based on a statistical study of a given number of cases."

Consistent with the foregoing and corroborating the existence of unknown factors and uncertainty as to causation, is the report of the medical panel to which this case was referred for examination: "We cannot confirm that the lung carcinoma was caused by exposure to uranium mining occupation." There is thus a reasonable basis in the evidence for the refusal of the Commission to find in accordance with the plaintiffs' contention. Upon the principles stated above it is our duty to affirm the decision.[4] No costs awarded.

We concur:

E. R. CALLISTER, Jr., *Justice.*

F. HENRI HENRIOD, *Justice.*

A. H. ELLETT, *Justice.*

Tuckett, Justice (Dissenting):

I dissent. It appears from the record that that the Commission based its findings in this matter upon the findings of the medical panel. The Commission in its order stated as follows:

"The Commission concurs that 'Mr. Garner's death was not caused by exposure to uranium or its byproducts.' Further, that the lung carcinoma of Mr. Garner was not caused by the exposure occasioned by his working in the occupation of a uranium miner."

The medical panel to which this matter was referred by the Commission received evidence and medical data from various sources and thereafter concluded that the evidence was insufficient to establish that the cancer from which Mr. Garner died resulted from his exposure to radon gas or other byproducts of uranium ore. There was some evidence before the panel from which it might have concluded that the decedent's cancerous condition resulted from his overexposure to radiation while working in the mines. After objections were filed by the plaintiffs to the report of the medical panel, further proceedings were had before the Commission at which time Dr. Elmer L. Kilpatrick, chairman of the panel, was examined by counsel for the respective parties. In response to questions by counsel for the plaintiffs, Dr. Kilpatrick testified in part as follows:

"Q. (By counsel) I think we have discussed this once. Assuming that it was there, with the exposure to hazards which you have enumerated here, then would you say—assuming that the cancer was there—would you say that probably this exposure lighted it up, or caused it to go ahead and cause his death in a shorter time than it would have if he hadn't worked in the mines?

"A. No, I wouldn't use the word 'probable'. I would use the word 'possible'. And we consider the term 'beyond a reasonable doubt' is a pretty good phrase to use.

"Q. You mean in Utah, in order to recover, you doctors have to say that it is beyond a reasonable doubt? Is this your understanding?

"A. Yes.

"Q. I see. And you are not willing to say that beyond a reasonable doubt Mr. Garner died of lung cancer as a result of overexposure to radiation; is this correct?

"A. Yes.

"Q. And the panel applied that rule in this case; is that right?

"A. Among all the other considerations, of course."

It would appear from the foregoing that

[1] U.C.A. 1953, 35–2–26, 27, first enacted in 1941 as Ch. 41, Sec. 27, 28.

[2] U.C.A. 1953, 35–2–27(28). This subsection sets out the requirements for other diseases to be included with the diseases enumerated in 35–2–27. They duplicate the requisites for proximate causation of occupational diseases in 35–2–26.

[3] See Kent v. Industrial Commission, 89 Utah 389, 57 P. 2d 724; Kavalinakis v. Industrial Commission, 67 Utah 174, 246 Pac. 698; and for a recent case quite analogous see Vause v. Industrial Commission, 17 Utah 2d 217, 407 P. 2d 1006.

[4] Ibid.: and see also **Edlund v. Industrial** Commission, et al., 122 Utah 238, 248 P. 2d **365.**

the medical panel assumed that the plaintiffs had the burden of proving beyond a reasonable doubt the causal connection between the decedent's exposure to radon gas while working in the mines and his cancerous condition from which he died. The Commission by adopting the report of the medical panel and its findings in respect to the claims of the plaintiffs adopted the same standard of proof. Neither the statutes nor the decisions of this court require that a claimant has the burden of proving his claim beyond a reasonable doubt.

I am of the opinion that it was prejudicial error on the part of the Commission to require that the claims of the plaintiffs be established beyond a reasonable doubt. I am in favor of returning the case to the Commission for further proceedings.

Mr. ALLOTT. Mr. President, I am informed that the State of Colorado is the only State which recognizes the inhalation of radon gas as an industrial hazard. For several years Colorado's industrial commission has granted compensation benefits for lung cancer victims who were employed in uranium mining. The first of these cases goes back to October 1958.

Mr. President, I ask unanimous consent that a digest of the lung cancer cases before the Colorado Industrial Commission be inserted in the RECORD at this point.

There being no objection, the digest was ordered to be printed in the RECORD, as follows:

DIGEST OF LUNG CANCER CASES FILED WITH THE STATE COMPENSATION INSURANCE FUND

I.C. NO. 1–385–656, S.F. NO. 102554: ROBERT D. JOHNSON *v.* ROBERT D. JOHNSON MINING CO.

This was the first case which was tried formally at a hearing relating to the problem of lung cancer allegedly the result of uranium mining. The claimant, the deceased, filed a claim in October of 1958 alleging that he was suffering from lung cancer due to uranium mining. His disablement began August 22, 1958 and he died November 15, 1958 before the case was determined. Thereafter, his widow filed a claim and the case was heard on the basis of her claim for death benefits. Hearings were had in Denver and in Grand Junction. In Denver, the medical testimony of Dr. Allan Hurst, specialist in chest diseases, was taken, as well as the testimony of Mr. P. W. Jacoe of the State Department of Health and Dr. David Berman, who testified on behalf of the widow that in his opinion exposure to radon gas was the cause of the development of lung cancer; Dr. Allan Hurst, called by the respondents, testified that the exposure to radon gas as a cause of lung cancer should be definitely ruled in in this case.

Following this hearing, the case was continued to Grand Junction and the testimony of Mr. Duncan Holaday and Dr. Victor E. Archer of the U.S. Public Health Laboratory in Salt Lake City was taken. Both of these men testified that in their opinion lung cancer is caused by exposure to radon gas. In this case, the pathologist, Doctor Saccomanno, reported that the type of cell was squamous cell carcinoma. The case was compensated. Total compensation benefits, $11,466; funeral benefits, $500; medical expense paid, $1,553.51.

I.C. NO. 1–309–961, S.F. NO. 96236: THOMAS VAN ARSDALE *v.* THOMAS VAN ARSDALE

In this case, the widow of the deceased filed a claim on August 6, 1957, alleging that her husband became disabled due to occupational disease (lung cancer) September 2, 1956 and died November 19, 1956. The claim was filed August 6, 1957, or more than six months from the date of death. The defense of the statute of limitations was interposed and, without going into detail, the proceedings were long and drawn out and resulted in a final award of the Commission on May 4, 1966 holding that the claim was barred by the statute of limitations. As far as the merits are concerned, there was little doubt but that Van Arsdale died as the result of lung cancer caused by uranium mining. However, his exposure and death occurred long before the 1961 amendment to the Workmen's Compensation Act and there is but little question but that the case was barred by the statute of limitations. This was one of three cases in connection with which a special trip was made by a Referee of the Industrial Commission to take the testimony of Dr. Victor Archer and Mr. Duncan Holaday in Salt Lake City.

I.C. NO. 1–512–811, S.F. NO. 113751: VIRGIL S. NIDIFFER *v.* VIRGIL S. NIDIFFER

In this case, the deceased, both as employer and employee, filed a first report of accident reciting that on August 12, 1960 he was made aware that he had lung cancer. He left work on August 22, 1960. He died February 15, 1961. A claim was filed by the widow in February 1962. The respondents filed a denial of liability, including the question of limitations. However, in the Spring of 1961, the legislature amended the law extending the time of the statute and this was done before the widow's rights expired. It was ruled that the statute of limitations, therefore, did not apply. Many hearings were had in this case and finally a hearing was held in Salt Lake City. Further testimony of Doctor Archer and Duncan Holaday were taken. Doctor Archer was positive in his opinion that the exposure to radon gas caused the lung cancer which resulted in the death of the deceased. The case was compensated. Total compensation, $12,598; funeral benefits, $500; total medical, $1,912.16.

I.C. NO. 1–662–437, S.F. NO. 127307: KERMIT BURBRIDGE *v.* CLIMAX URANIUM CO.

In this case, the employer filed a report reciting that the deceased left work on September 20, 1962 on account of carcinoma, bronchogenic, undifferentiated. Burbridge filed a claim October 19, 1962 with the Industrial Commission alleging in substance the same thing. Before the case could be heard, Burbridge died on October 20, 1962 and his widow proceeded with the claim. The death certificate stated oat cell carcinoma. Autopsy diagnosis by Doctor Saunders was carcinoma undifferentiated. This was another case in which the hearing was had in Salt Lake City, in addition to the two cases just preceding.

Mr. Holaday testified that the man worked 36 months from 1936 to 1939 in the Long Park area in Colorado and then worked at various times up to the date of his final collapse in the Uravan area. He had exposures running from 25 to 15 times the recommended working levels. This man was a member of Doctor Archer's so-called study group. The original study group consisted of 3000 or 4000 men who were examined periodically to determine whether or not they would acquire lung cancer while engaged in uranium mining. He gave it as his opinion that Burbridge's death was due to exposure to radon gas. The case was compensated. Total compensation, $12,598.25; funeral benefits, $500; total medical, $470.48.

(NOTE.—The immediately preceding three cases are of a special interest because at the hearings held in Salt Lake City in conjunction with all three cases a great deal of highly technical testimony was developed which would be of value in other cases. Transcripts of the testimony taken are in the Commission file, and also the Fund has a copy of the transcript of the testimony taken at the hearings.)

I.C. NO. 1–725–994, S.F. NO. 133131; I.C. NO. 1–726–902, S.F. NO. 133607: OSCAR E. JONSON *v.* JONSON MINING CO. AND CLIMAX URANIUM CORP.

These two cases involve the same name. The first case, I.C. No. 1–725–994, S.F. No. 133131, was filed on the basis of injury to the right lung because of the siphoning of gasoline, and fumes. A diagnosis, however, was of metastatic anaplastic carcinoma. Then the second case was opened, which is apparently a duplicate, i.e., I.C. No. 1–726–902, S.F. No. 133607, giving the date of accident as 7–30–63. It also recited damage to the man's lungs from siphoning gasoline. Jonson left work August 6, 1963 and died December 23, 1963. His widow filed a claim alleging lung cancer due to radioactive material. Liability was contested and when the case finally went to hearing on July 22, 1964, the claimant's attorney appeared and stated that he had not been able to get in touch with his client as she had remarried sometime in April of 1964, and that she was the only dependent. Because there was less than a year's compensation due her, apparently she did not desire to proceed with the case. Consequently, the Referee entered an order on July 28, 1964 continuing the case to be redocketed within four months. On March 3, 1965, an order of dismissal, which is apparently applicable to both cases, was entered. Nothing further was heard between the date of the hearing of July 1964 and the dismissal order from the claimant or her attorney.

I.C. NO. 1–633–172, S.F. NO. 124732: GEORGE JEFFERSON MALICK *v.* VANADIUM CORP. OF AMERICA

This case was initiated by the filing of a claim by the widow of the deceased May 23, 1962, wherein she alleged that Malick died as the result of lung cancer on January 13, 1961. Notice of contest was entered raising the statute of limitations. The issue was raised that no claim was filed within one year from the date of the deceased's death. At the time of his death, the limitation for filing a claim was six months from the date of death. In April 1961, however, the law was amended allowing three years from the date of death. Following the filing of briefs, the Referee entered an order denying the claim on the ground that no claim was filed within one year from the date of her husband's death and no reasonable excuse for her failure was provided which could perhaps bring her within the two-year statute.

In retrospect, it may be said that an injustice was done to the widow of the deceased on the question of the statute of limitations for the reason that she was probably allowed three years in which to file a claim from the date of death. The 1961 amendment was passed before the six months period from the date of death had expired, thereby possibly extending the time in which the widow had a right to file. Regrettably, no appeal was taken so that the legal questions could be determined and the file was closed. Since this is an occupational disease case, unfortunately the case cannot be reopened.

I.C. NO. 1–766–175, S.F. NO. 136767: RAY W. HASKILL *v.* UNION CARBIDE CORP.

In this case, the claimant filed a claim in February 1964 alleging that he became disabled on account of lung cancer in his right lung December 17, 1963 as the result of exposure to radon gas in uranium mining. The attending physician filed a report stating that he was suffering from lung cancer due to a combination of radiation and smoking. He died April 12, 1964. The report from the employer showed exposure to radon gas varying from 1.7 to 4.1 times the working level. The company advised that they felt there had not been sufficient exposure in their mine to cause or affect the growth of the lung cancer. Before the Fund could begin an exhaustive

investigation, including the attending medical reports, the claimant, through her attorney, elected to withdraw the claim for the reason that they were unable to find any evidence which would support proof of a causal connection between the deceased's employment and his death from cancer. Accordingly, the claim was denied by the Referee on August 12, 1964.

I.C. NO. 1–792–942, S.F. NO. 139240: SHELDON R. HOULE *v.* PINNACLE EXPLORATION, INC.

This case was initiated by the filing of a claim by the deceased's widow on July 2, 1964, alleging that her husband died on November 19, 1963 as the result of lung cancer caused by exposure to radioactive materials and substances. The employer reported that the deceased had worked in the Pitch Mine located ten miles south of Sargents, Colorado in Saguache County, and that to their knowledge this was the only mine in which Mr. Houle had been employed where there was uranium mining. Readings of the working levels of exposure in the mine taken by the State Metal Mining Inspector's office from June 1961 to August 1962 showed working level exposures varying from very small exposure of .45 to exposures as high as 170.0 times the recommended working level. Autopsy was done and tissue was sent to Dr. Geno Saccomanno in Grand Junction who examined the tissue and found that the carcinoma was undifferentiated cells. Doctor Archer reported that tests on the tissue showed 136.02 picocuries per kilogram of fresh bone; the liver showed 33.21; the kidneys showed 173.68.

Examination of the tissue showed the presence of lead-210 in a sample of the rib amounting to 509.54 picocuries per kilogram; 61.18 of the liver; 14.96 in the kidney. We also received a report that the Pitch Mine was one of the hottest mines in the State insofar as radiation is concerned.

Consequently, after full consideration and discussion by the Office Board, it was decided we would admit liability in this case. Total compensation benefit, $13,693.75; funeral, $500; total medical, $2,790.80.

I.C. NO. 1–785–648, S.F. NO. 138467: MATTHEW P. ROWE *v.* LA SALLE MINING CO.

This claim was initially instituted by a report from the company, in which the deceased was a partner, alleging that he left work because of lung cancer acquired in uranium mining on April 1, 1964. It appeared in the file that this man also had done some work in Utah and, with our encouragement, he filed a claim in Utah. Also, there is a question as to where he sustained the last injurious exposure. He died February 22, 1965. His widow continued with the claim. Following his death, the autopsy disclosed, according to Dr. Geno Saccomanno, undifferentiated squamous cell carcinoma. A report from Dr. Oscar Auerbach, Senior Medical Investigator, VA Hospital, East Orange, New Jersey, was to the effect that in his opinion this was carcinoma, oat cell-2A, undifferentiated. There seems to be but little question concerning the type of cancer, as Doctor Saccomanno has used the term "squamous cell, undifferentiated" to describe oat cell carcinoma. Tissue taken from the man's body showed, in most instances, at least twice the amount of lead-210 in his body as compared to that found in a normal body. The claim in Utah was denied by the Utah Industrial Commission on the ground that the disability of the deceased was not due to occupational hazard of uranium mining.

The claimant elected to cross-examine and put on further testimony, and finally, on October 21, 1965, the Utah Commission entered an order denying the claim on the ground that the exposure to radon while employed in Utah was negligible and that the Colorado exposure was exceedingly high. The last part of this order, of course, was correct because he did have exceedingly high exposure in Colorado. In view of this situation, therefore, we decided to accept liability and an admission of liability was filed. Total compensation benefits, $14,789.25; funeral, $500; total medical, $635.12.

I.C. NO. 1–787–693, S.F. NO. 138775: CLYDE ANDRESS *v.* VANADIUM CORP. OF AMERICA

In this case, the employer filed a report stating the above-named claimant became disabled April 3, 1964, and that the company had been requested to report the disease although they had no knowledge of it. In the first report, the employer stated that the man was suffering from silicosis. The deceased died May 18, 1964. The diagnosis was lung cancer and silicosis. A claim was filed by his widow. Autopsy was done by Dr. Geno Saccomanno, Grand Junction, who made a diagnosis, among other things, of small cell carcinoma. Radioanalysis of tissue was done by the laboratory in Salt Lake City, and Doctor Archer reported as follows:

Lead Pb–210 at death as pc/Kg of formalin fixed tissue

Bone (rib)	1,846
Heart muscle	10
Kidney	210
Spleen	26

Doctor Archer stated that one physician reported the type of cell as squamous, and another as undifferentiated carcinoma having the characteristics of an oat cell carcinoma. The work history showed he spent some years in various uranium mines, and reports on the mines in which he worked showed in many instances exposures considerably in excess of one working level. Some of them ranging as high as 32 to 51 working levels.

There were two or three hearings in this case during which lay testimony was chiefly taken to develop the history and the type of exposure. The Fund finally notified the Commission that it did not care to have further hearings or put on any medical evidence. The case was compensated. Total compensation, $14,867.50; funeral, $500; total medical paid, $858.50.

I.C. NO. 1–820–401, S.F. NO. 142886: CAREY N. ATHEY *v.* MERRY WIDOW MINE

This case was initiated by the report from the employer reciting that the deceased became disabled October 22, 1964 when he started spitting blood and he went to the doctor. He filed a claim December 16, 1964, alleging lung tumor due to exposure to radon gas. Reports from the Colorado Bureau of Mines showed that exposure from January 1962 to December 1964 varied from zero working levels to as high as 12.5 working levels. One of the mines in which the deceased worked prior to going to work for the Merry Widow, i.e., the Aztec Mine in the Joe Dandy Group, the tests showed exposures ranging from 90 to 260 working levels. Tests in still another mine varied from 16 to 82 working levels. Dr. J. G. Merrill reported that sputum tests on this claimant showed oat cell carcinoma.

Hearing was had in Grand Junction, Colorado, February 18, 1965, and following the hearing the Referee entered an order granting compensation benefits. This is one of the few cases which was compensated during the employee's lifetime. He died July 5, 1965. Since the case had already been adjudicated, we then filed an admission of liability for death benefits. Total compensation, $16,041.25; funeral, $500; total medical paid, $2,603.36.

I.C. NO. 1–853–347, S.F. NO. 145029: CHARLES EDWARD TRASK *v.* DENVER GOLDEN CORP.-APEX METALS CORP.

This case was initiated by the filing of a claim by the widow of the deceased which alleged that the deceased died March 21, 1965 as the result of lung cancer caused by radiation. Autopsy was done by Dr. R. E. Herrmann, pathologist, Denver, and gave as the cause of death, among other terminal causes, carcinoma undifferentiated (oat cell type).

Doctor Archer reported that the amount of lead-210 in the lungs of Mr. Trask was at least 30 times normal and possibly as much as 70 times normal. The work history showed that he worked from 1956 to 1964 mining uranium in the Schwartzwalder Mine, which is near Golden, Colorado, and was a very "hot" mine. Apparently this was the only uranium mine where the deceased worked.

After completing our investigation and getting in medical reports from various doctors, the Fund admitted liability in this case. Total compensation, $13,693.75; funeral, $500; total medical, $1,712.96.

I.C. NO. 1–856–054, S.F. NO. 145609: DOUGLAS GARNER *v.* VANADIUM CORP. OF AMERICA

The claim in this case was initiated by the filing of a claim on behalf of the widow which recited that the deceased's last injurious exposure was in June 1956, and that he died September 15, 1963. The radioanalysis of the tissues of his body showed as follows with respect to lead–210:

Lead–210 (pc/Kg of formalin fixed tissue)

Bone (rib)	1,852.50
Kidney	224.80
Heart	57.56
Liver	167.90
Spleen	77.04
Pancreas	71.06

This man was likewise a member of Doctor Archer's so-called class. His work history indicated that he worked in the U.S. Vanadium Mill at Uravan from 1940 to 1948 as a roaster and precipitator operator; 1948–1949, for the VCA at Naturita in the mill, mining and leasing; 1949–1953, uranium mining in the Sitton-Dulaney mines (Radium Group near Slick Rock, Colorado) March 1953–June 1954, Grant Mine, Colorado; June to November, 1954, various mines in the Slick Rock area; November 1954–1955, King Incline No. 2, Slick Rock area; 1955–1956, White Mining Company, in the Hideout Saddle, and "W.N." uranium mines in Utah; 1956–1959, Big Buck Uranium Mine in Utah; 1959–1963, Radon Uranium Mine in Utah.

A claim was also filed in Utah, and we interposed a notice of contest in the case in Colorado alleging that the statute of limitations applied because his last exposure here was before the amendment of the Act; also, that his last injurious exposure was in Utah rather than in Colorado. A hearing was had in Utah and compensation was denied after reference by the Industrial Commission of Utah to their medical panel. It has been reported to us that during the cross-examination of the chairman of the medical panel, the chairman made a statement that it had not been proved to him *beyond a reasonable doubt* that there was any connection between uranium mining and lung cancer. The case had been appealed to the Supreme Court in Utah, and Mr. Traylor, the attorney for the widow will seek a reversal inasmuch as in all civil cases, including compensation cases, it is not necessary to prove anything "beyond a reasonable doubt."

It is our feeling that the widow likewise has no remedy in Colorado because very patently the last injurious exposure was in Utah. The case in Colorado is still pending, however, pending the final outcome of the proceedings in Utah.

I.C. NO. 1–858–324, S.F. NO. 145874: LLOYD REED *v.* CLIMAX URANIUM CO.

A claim was initiated in this case by the filing of a claim by the claimant alleging that he left work May 3, 1965 on account of exposure to radioactive materials and silicon dust. Because the man was seriously ill, his deposition was taken. Before the case could be decided, however, he died on June 29, 1965. The claim was originally filed against

Sam Richards who operated in the Monogram Mesa area and for whom the claimant worked from 1959 to May 1965. It developed, however, that Sam Richards was a lessee of Climax Uranium and did not have his own policy but was carried on the Climax policy.

The diagnosis was squamous cell carcinoma, oat cell type, as cause of death. While the bulk of his exposure occurred between 1948 and 1960, he was exposed to levels exceeding the recommended working level while working for the Mineral Joe No. 2 operated by Sam Richards.

The radioanalysis of a rib from the deceased's body showed an average of 3.94 picocuries of lead-210 per gram of formalin of fixed tissue. Five samples from the vertebrae contained an average of 1.92 picocuries of lead-210 per gram of formalin fixed tissue. The average of all eight samples taken was 2.68. Commenting further, Doctor Archer said:

"This value for lead-210 confirms that his occupational exposure was relatively large, and suggests that it may have been considerably more than the 2864 Working Level Months which I had previously estimated."

After receiving the medical information and reviewing the file, the Fund admitted liability. Total compensation, $13,343.75; funeral, $500; total medical paid. $1,365.65.

I.C. NO. 1–879–036, S.F. NO. 149176: MASSIE D. RICE *v.* DENVER-GOLDEN CORP. (SCHWARTZWALDER MINE)

This case was initiated by a claim filed by the claimant alleging that he left work in the mines on December 25, 1964 because the mine was shut down, but that he had lung cancer due to uranium mining. He died before the case could be heard on December 5, 1965. Autopsy was performed and samples from his body were sent to the laboratory in Salt Lake City for analysis. The result was as follows:

Lead-210 in Picocuries/Kg of formalin fixed tissue

Bone (vertebrae)	1,721
Bone (vertebrae)	1,804
Bone (rib)	1,932
Bone (rib)	1,721
Lung	182
Lung	101

We have a detailed report on the Schwartzwalder Mine where this man worked a good part of the time of his uranium mining showing exposures in excess of the recommended working level.

After receiving all the medical reports and the report of Doctor Archer, the Fund admitted liability. This is the second fatal case on the Schwartzwalder Mine. Total compensation, $15,337; funeral, $500; medical paid, $2,759.05.

I.C. NO. 1–874–854, S.F. NO. 148587: MARVIN MARSHALL *v.* WILLIAMS MINING PARTNERSHIP

A claim was filed by this claimant alleging that he left work on August 6, 1965 on account of lung cancer incurred in uranium mining. An autopsy was done and showed oat cell carcinoma. Samples were sent to Doctor Archer, U.S. Public Health Laboratory, Salt Lake City, and showed the following results with respect to lead-210:

Pb-210 at death in pCi/Kg. of formalin fixed tissue

Bone (rib)	5,135
Bone (rib)	4,227
Blood	72
Blood	73
Hair	8,331

On the basis of this information, the Fund admitted liability. Compensation, $15,337; funeral, $500; medical expense paid, $1,139.96.

I.C. NO. 1–840–002, S.F. NO. 142681: GLENDON W. TAYLOR *v.* ATLAS MILLING AND MINING CO.

This case was initiated by a claim filed by the claimant alleging that he left work September 30, 1964 on account of air containing uncombined silicon dust. Then an amended claim was later filed alleging exposure to radon gas and radioactive materials. This man was not a member of Doctor Archer's so-called class as far as we know.

The claimant was referred to Dr. Allan Hurst for examination who found no evidence of either silicosis or any other pulmonary disease, and no evidence of a developing lung cancer or other chronic radiation poisoning. Information has been received that this man is fearful that he does have, or will get, lung cancer due to uranium mining. However, insofar as our file discloses, there is no evidence of it yet. The case has been kept open and on the docket of the Industrial Commission and has not yet been decided. Our information was that the claimant was seeking further medical examinations and study before he desired to present his case before the Commission.

I.C. NO. 1–753–757, S.F. NO. 135902: ROBERT C. WILLIAMS *v.* UNION CARBIDE NUCLEAR CO. AND/OR R. C. WILLIAMS, C/O ROBERT L. PARENT, EMPLOYER

The deceased, Robert C. Williams, had filed a claim against Union Carbide Nuclear Company alleging that he left work on July 26, 1963 because of lung cancer caused by exposure to radon gas. Williams died January 17, 1964, and his widow filed a claim for dependency benefits. Autopsy revealed oat cell carcinoma of the lungs. Tissue from the deceased's body was sent to Doctor Archer in Salt Lake City for radioanalysis and the results showed the following:

Pb–210 at death (in picocuries/Kg. of formalin fixed tissue)

Bone (rib)	275.34
Bone (vertebrae)	205.06
Kidney	8.96
Liver	18.00

The case developed that Williams had his own policy as a lessee and, consequently, Union Carbide Nuclear Company was dropped as a party to the proceedings. Autopsy was done and revealed oat cell carcinoma of the right lung. Reports from the State Bureau of Mines showed exposure to radon gas considerably in excess in many instances of the one working level recommended as being safe in the mines.

After receiving full medical and other information, the Fund admitted liability. Total compensation, $14,867.50; funeral, $500; total medical paid, $2,502.

I.C. NO. 1–895–497, S.F. NO. 152050-FREDERICK R. GRAHAM *v.* CHARLES V. WOODARD & CO.

This case was initiated by the report from the employer alleging that the deceased left work September 17, 1965 and shortly thereafter entered the hospital. Nothing further was done with the case until a claim was filed on behalf of his widow, alleging that he died January 13, 1966 of oat cell carcinoma at the VA Hospital in Denver, Colorado. Autopsy was done at the Veterans Administration Hospital and the diagnosis of oat cell carcinoma was made.

He worked in various uranium mines beginning about 1942. Apparently there were intermittent periods when he was not engaged in that type of work. Reports from the Colorado Bureau of Mines showed exposures considerably in excess of the recommended working levels, some of the tests ran as high as 20 in the Gilbert, Rimrock Blue and Thornton Tunnel mines in areas where Mr. Graham worked.

Doctor Archer reported that on the sample submitted for analysis the result was:

218Pb (pCi/Kg.)

Bone (rib)	1690	± 37
Liver (healthy tissue)	399	± 11
Lung	1380	± 23
Tumor from liver	321	± 5

Doctor Archer estimated that Graham had had a cumulative radiation exposure in uranium mines of approximately 2130 working level months, and gave it as his opinion that his oat cell carcinoma was the result of his exposure to radon gas.

Upon receipt of complete medical and other information, the Fund admitted liability. Total compensation, $15,337; funeral, $500; total medical, $180.86.

I.C. NO. 1–891–465, S.F. NO. 151496: JOE JAVERNICK *v.* JAVERNICK AND JAVERNICK

This case was initiated by a report from the employer which recited that the deceased left work September 20, 1965 as the result of lung cancer caused by exposure to radon gas. Javernick died February 20, 1966 before the merits of his case could be determined. His widow filed a claim. Cause of death was oat cell carcinoma. Dr. Victor Archer sent in a work history of this man as he was a member of his study group, and reported that his exposures were on an annual average between 20 and 44 times the recommended working level.

Doctor Saccomanno reported the man had a epidermoid carcinoma slightly differentiated, but also stated that if one searches enough in an autopsy one can invariably find undifferentiated squamous cell carcinoma in most oat cell tumors.

After final examination of the medical reports and other data, we filed an admission of liability. Total compensation, $15,337; funeral, $500. With respect to medical, there is still a question pending inasmuch as the medical far exceeded the $3,500 limit. We have agreed to assume liability for our statutory liability, but have been unable to obtain an agreement from the widow and her attorney to whom the money should be paid.

I.C. NO. 1–905–297, S.F. NO. 153654: SHIRDEN G. BLOOD *v.* UNION CARBIDE CORP.

This case was initiated by the deceased who had filed a claim alleging that he left work on January 30, 1966 and stating he was disabled by silicon and uranium exposure and had lung cancer. The man had exposure in uranium mining apparently in both Colorado and possibly in Utah, at least he was working in mines in Utah although he later worked in Colorado. The record shows that he had an average exposure of 2.86 working levels over one period of time. The last employment was apparently with Union Carbide Nuclear Company where he worked in the Paradox 5 and 6 uranium mines on Monogram Mesa from 1961 to 1966. He was likewise a member of Doctor Archer's "study class." Tissue taken at the time of a thoracotomy done by Dr. S. P. Christensen showed the presence of oat cell carcinoma.

We had considerable correspondence and also personal conferences in this case with various people, and the case was one of those we discussed while we were in Salt Lake City on October 27, 1966.

In view of the information obtained, it was decided to admit liability. In the meantime, we received word that the deceased died on October 31, 1966. Claim blanks have been sent to the widow, and an appropriate admission of liability will be filed when the same has been received by us and the Commission.

(NOTE.—Claim has since been received and admission filed. Total compensation, $18,858.25; funeral, $500; medical not to exceed $3,500.)

I.C. NO. 1–965–316, S.F. NO. 154453: ROY ANDRESS *v.* UNION CARBIDE CORP.

This case was opened by the filing of a claim by the claimant in which it was stated that he was forced to leave work July 15, 1965 because of lung cancer. Doctor Archer reported that the estimate of his organization was that Andress had received 2850 working level months of exposure during his employment as a uranium miner. However, he only worked for a period of about five or six months for Union Carbide. He did have a long period of employment with the Vanadium Corporation of America.

He died June 30, 1966. An autopsy has been done and the tissue was sent to Doctor Blanchard, In Charge Physics and Bioassay, Radiological Health Research Activities, D.R.H., 4676 Columbia Parkway, Cincinnati, Ohio. Doctor Blanchard is now doing the radioanalysis that used to be performed in the laboratory in Salt Lake City. The results of these tests have not yet been received.

It would appear in this case that one of the difficult problems to decide is what employer will be charged with the loss as it appears that the man had a long period of exposure while working for the Vanadium Corporation of America and a relatively minor one while employed by Union Carbide against whom the claim was filed. These issues will have to be later determined at a hearing.

I.C. NO. 1–898–126, S.F. NO. 152429: GLENN D. NEESHAM *v.* VANADIUM CORP. OF AMERICA

This case was initiated by the filing of a claim for dependency benefits alleging that the deceased died May 22, 1966 as the result of lung cancer caused by uranium mining. The case is still pending. Tissues taken from his body were analyzed by Doctor Archer's laboratory and showed the following:

Pb–210 at death (in picocuries per kilogram of formalin fixed tissue)

Bone (rib)	2,982
Bone (vertebra)	1,282
Liver	220
Kidney	29
Heart Muscle	4
Skeletal Muscle	4

It also appears from information received from Doctor Archer that this man had a total exposure of about 4000 working level months. We also received information that in 1963 he was operated for an epidermoid type of cancer, apparently not related to radon exposure, in one of his lungs and this cancer was removed. Then, two years later he became afflicted with oat cell carcinoma. There are various legal problems involved in the determination of this case, and it may be that other employers will have to be made parties to the proceedings. This case is still pending.

I.C. NO. 1–843–017, S.F. NO. 143291; I.C. NO. 1–886–982, S.F. NO. 150647: JOSEPH G. FRANK *v.* UNION CARBIDE NUCLEAR CORP.

These two cases involve two distinct problems. See file I.C. No. 1–843–017, S.F. No. 143291, which involved a claim for silicosis filed by Mr. Frank, and file I.C. No. 1–886–982, S.F. No. 150647, which involved a claim also filed by him for lung cancer due to uranium mining. The silicosis case was adjudicated on a permanent partial basis and he was awarded $5,000 for permanent partial disability. The lung cancer case was held in abeyance so that further information could be obtained concerning his exposure, the type of cancer from which he was suffering, and certain other data needed before the question of compensability could be decided. He died August 26, 1966. We are informed that specimens taken from his body had been forwarded to Doctor Blanchard in Cincinnati for radioanalysis. We are also informed that there may be a claim for dependency filed by Mr. John W. Overholser who is apparently representing the dependents or relatives of the deceased. Pending the results of the radioanalysis, the final adjudication of the lung cancer aspects of the case will have to be held in abeyance.

If it is ultimately determined that this man did die of oat cell carcinoma due to his contact with radon daughters in uranium mining, there will still be the remaining question of dependency. If it is held that he left dependents within the meaning of the Workmen's Compensation Act, they will be entitled to the benefits prescribed in the Act. On the other hand, if it is held that there are no dependents, there will be a liability to the Subsequent Injury Fund in the sum of $6,250.

GENERAL COMMENTS

Thinking that some general comments will be of value concerning the order of proof and other matters of interest in these cases, I should like to add the following data:

Radon (Rn) gas is a decay product of radium (Ra). The atomic weight of radium is 226.05 and it is No. 88 in the Periodic Table. Radon, the decay product, has an atomic weight of 222 and is No. 86 in the Periodic Table. It is the heaviest known gas. It is very unstable and breaks down into what is better known as daughters of radon. The daughters of radon can be listed as follows:

1. Ra A, which is Po (polonium) with an atomic weight of 218.
2. Ra B, which is Pb (lead) with an atomic weight of 214.
3. Ra C is Po (polonium) with an atomic weight of 214.

The so-called radon daughters are produced by radon transforming itself successively through this chain of elements. Radon has a relatively short half life, about four days. In other words, in about four days half the radon is spontaneously changed to radium A. Radium A has a very short half life of about three minutes. Radium B has a half life of twenty-seven minutes; Radium C has a half life of 19.7 minutes. Consequently, there is a constant changing situation in the mine atmosphere. Radon gas is produced from the ore, from the radium in the ore, and diffuses into any open space and then proceeds to change into this succession of short half life daughters.

The final product of this process of decay is lead–210, which has a half life of 22 years and is, as stated in one of the cases, "the sink." In other words, all these elements are concentrated into the 22 year lead and this is the product which is revealed in the bodies of the deceased miners when radiochemical analysis is made of various sections and specimens taken from their bodies. The concentration of radon gas in the mine is dependent upon several factors: the amount of ore body exposed, area or body exposed, the porosity of the rock, i.e., the ease at which the radon gas can diffuse out of the rock, the amount of uranium and hence the radium in the rock and the rate of removal of radon by ventilation from the mine.

It was further stated at one of the hearings that the so-called 22 year radio lead, which is the common name for lead–210, will behave chemically and biologically exactly the same as normal lead. Consequently, it would tend to concentrate in the bones and to store in the bones. It is also found in soft tissue such as the kidney, liver, spleen and in varying amounts throughout the soft tissues of the body. The large storehouse would probably be in the bones. Furthermore, it was also stated at one of the hearings that the only source of radiolead is from the decay of radon, so that a person can get it into his body only by breathing in radon or radon daughters or the minute quantities of radio lead which are present everywhere, which is in tobacco smoke, dust in the air, etc. (See pages 11 to 15 of the transcript of testimony of Mr. Duncan A. Holaday taken at Salt Lake City May 20, 1964.)

As previously indicated, Dr. Victor Archer and Mr. Duncan Holaday of the Occupational Health Laboratory of the U.S. Public Health Service at Salt Lake City, for some years have been engaged in a research and examination of miners in the five states of Wyoming, Colorado, Utah, New Mexico and Arizona where uranium mining operations are carried on to determine the possibility of the appearance of lung cancer. Inasmuch as lung cancer is not confined entirely to uranium miners by any means, when a claim is filed alleging lung cancer due to exposure to radon gas and radon daughters in uranium mining, various procedures are necessary to determine which claims are valid and which ones are due to natural causes unrelated to the occupation. The matters which have to be determined are:

1. The complete work history of the claimant with particular reference to any periods of time that he worked in uranium mines must be obtained in detail.

2. We should then obtain reports concerning the working level of exposure in the mines where he worked and, if possible, in the places in the mines where he worked. Records of this kind are available in many places. The State Bureau of Mines has many records on the various mines in Colorado. Dr. Victor Archer likewise has records which show the result of tests taken, apparently, by the Occupational Health Section with which he is affiliated.

3. The Colorado State Department of Health has some records inasmuch as the Occupational Health Section made a survey of the mines some years ago and the results of this survey are included in a book issued by the State Legislative Council. In this book there is a listing of the exposure levels in a great many mines throughout Colorado. Also, the employer may have records; in fact, the larger operators do maintain records of the exposure in view of the developments which come in connection with the filing of claims for lung cancer.

4. It is necessary to know as soon as possible what type of lung cancer afflicts the claimant. Sometimes this can be determined prior to death, either by biopsy or sputum tests. If it is not determined, when the man dies an autopsy should be had and samples of his body tissue should be sent to the appropriate Federal Laboratory for radioanalysis. This work used to be done in the laboratory at Salt Lake City, but it is now being done by Doctor Blanchard, whose address is given herein above.

As previously indicated, the amount of lead-210 found in the body of a normal individual is usually between 15 to 54 picocuries per kilogram of bone. When tests come back with a showing of several hundred or several thousand picocuries, then the fact the man was exposed to harmful quantities of radioactive material is pretty well established, and then we have to determine where the man had his last injurious exposure, under the present provisions of the Occupational Disease Disability Act.

Early in the development of uranium mining little, if anything, was known generally about the hazards to be encountered in contact with radon gas. Due to the fact that scientists had received information concerning a high death rate among uranium miners in Europe, studies were commenced in this State. It has been found that adequate ventilation will reduce the hazard in some instances to nothing, but in mines without ventilation there is a very serious hazard. In many instances, the damage has already been done. Most of the miners, according to Doctor Archer, reached a peak of exposure between 1958 and 1959, although, after that date, there are cases, as the above digest will show, where the employee was exposed to more than the recommended standard of one working level.

Diagnosis of the type of lung cancer made is important. We must know whether or not it is oat cell carcinoma. This particular type of cell is ascribed to exposure to radon gas and radon daughters by the doctors and scientists who have been studying the problem. Various doctors use different terms as the above digest will show, some of them use the term "squamous cell undifferentiated" instead of "oat cell undifferentiated." We have been told by the doctors involved that this is a distinction without a difference and they are talking about essentially the same thing. However, when there is a wide difference between many doctors concerning the type of cancer cell found, then naturally further investigation and possibly

a hearing and cross-examination of the doctors involved is indicated.

It has also been found, according to the reports in some of these cases above listed, that very often it is not necessary to await the death of the employee to determine the question of compensability. It has been determined, according to Doctor Archer, that radiochemical analysis can be made upon the blood of the employee and also upon his hair. Of course, these two items can be obtained during his lifetime. Also, if sputum tests reveal the presence of oat cell carcinoma and then later a diagnosis of carcinoma is made, this is a pretty good indication that the type of cell is one which supports the view that the condition is the result of exposure to radon gas, particularly if other items in the case, work history, working level tests, etc. do, in fact, show that he was so exposed.

The foregoing is a brief synopsis of information we have thus far received concerning the disease of lung cancer as related to uranium mining. Future developments and research may give us further information which will suggest new procedures or new tests in determining the compensability of individual cases.

HAROLD CLARK THOMPSON,
Counsel.

Mr. ALLOTT. Mr. President, I believe that the information in this digest will be helpful to an understanding of the problem. It should be pointed out that the Douglas Garner, deceased, who filed a claim in Colorado under I. C. docket No. 1–856–054 is the same Douglas Garner whose claim was denied in the Utah Supreme Court decision inserted earlier.

The Garner case is particularly significant for several reasons. First, considering the other Colorado cases enumerated in the digest in which Colorado has granted compensation, one can properly speculate that a different result would have been reached had Mr. Garner remained in Colorado during the last 8 years of his life.

Second, while the causal connection between inhalation of radon gas in uranium mines has been established in the eyes of the Colorado Industrial Commission, it, apparently, is the only State granting disability and death benefits on this basis.

Third, if Colorado is correct in its assumption of liability, and the bulk of the testimony before the Joint Committee on Atomic Energy would seem to support Colorado's position, then Colorado is not only a pioneer in this field, but also has assumed a heavy financial burden.

Fourth, if Colorado is correct, then uranium miners similarly situated in other States are being denied benefits only because they happen not to live and work in Colorado.

And, fifth, if Colorado is correct, then Colorado has assumed this heavy burden with only minimal technical advice and assistance from Federal agencies who were in a position or should have been in a position to render substantial technical advice.

Mr. Garner, according to the Utah Supreme Court decision inserted earlier, had "worked in and around uranium mines since 1940." In this connection, Senators will recall that prior to and during World War II atomic energy and uranium were veiled with the highest degree of secrecy. Many of the mine operators were selling ore to certain mills based upon its vanadium content and were unaware of the fact that uranium was being extracted from the ore. It is likely that many of the mine operators were unaware of the existence of uranium in the ore they were selling. Many years later some payments were made to these vanadium mine operators for uranium in the ores they had previously sold.

This, I believe, adequately demonstrates the point that miners and mine operators in the early days were unaware of any danger from this source. In fact, studies of Radon 222 were only commenced in 1958 at the Argonne National Laboratory and the University of Illinois through a Public Health Research grant. But more specifically, it was the December 1960 Governors' Conference on Health Hazards in Uranium Mines which first focused attention to potential dangers of uranium mining. The State's objectives were reportedly as follows:

(a) Follow up the miners reported to date with cytologically positive sputa tests for more definitive diagnosis and any necessary treatment.

(b) Examine all uranium miners who have not yet received a physical examination.

(c) Increase inspections of mines, in both frequency and intensity. All areas in each mine should be surveyed, and inspections should be made more frequently to compensate for seasonable variations in ventilation and changes in concentration levels caused by mining activity.

(d) Check compliance with control recommendations.

(e) Carry out additional research to evaluate mining exposures and their health effects.

(f) Provide more consultative and educational services to mine personnel directed toward the establishment of effective control measures and self-monitoring programs.

(g) Enforce existing laws and standards and determine if new laws are needed.

(h) Accelerate state training programs and participate in those offered by other agencies.

Colorado has moved ahead aggressively in its efforts to reduce radiation hazards connected with uranium mining. Right after the December 1960 Governors' Conference a supplemental appropriation was granted to Colorado's Bureau of Mines in the later part of fiscal year 1960–61 to launch its program to reduce the concentration of radon daughter products in the atmosphere of Colorado's uranium mines. That program has been continually expanded and refined ever since. I believe I can safely say, without fear of contradiction, that Colorado has been the leader in this field. Commissioner Ramey of the Atomic Energy Commission gives corroboration of this statement in the following exchange with Representative HOLIFIELD on May 23, 1967, during the Joint Committee on Atomic Energy hearing.

Representative HOLIFIELD. Would it be fair to say that Colorado has been in the forefront of the uranium-bearing states in its approach to these problems?

Mr. RAMEY. I would say, Mr. Holifield, that practically they have been.

Representative HOLIFIELD. They have been the leader?

Mr. RAMEY. Yes, sir.

Further substantiation of Colorado's progress is found in a comparison table on the status of uranium mines in Colorado.

Mr. President, I ask unanimous consent that a comparison table prepared by the Colorado Bureau of Mines be inserted in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

COMPARISON OF STATUS OF MINES

[Percent of operating mines]

Range	Dec. 31, 1961	Dec. 31, 1962	Dec. 31, 1963	Dec. 31, 1964	Dec. 31, 1965	Dec. 31, 1966
−1.0 WL or less	45	52	40½	43	52	60
+1.0 WL through 3.0 WL	27½	38	47	41	40½	34½
+3.0 WL through 5.0 WL	----------	----------	----------	----------	6	5
+5.0 WL through 10.0 WL	----------	----------	----------	----------	¾	
+3.0 WL through 10.0 WL	23	10	12½	16	----------	----------
+10.0 WL and Over	4½	----------	----------	----------	¾	----------
Total	100	100	100	100	100	100

CORRECTIVE ORDERS ISSUED FOR VENTILATION

[District 4—Uranium mines]

	Number
General	229
Removal of men from area	48
Compliance by specified date	4
Total	281

Mr. ALLOTT. Mr. President, it is apparent that Colorado has been the leader in the two aspects of the problem: One, in providing compensation to the widows or estates of the injured; and two, in an aggressive program directed at control and elimination of hazard. With respect to radon gas reduction, Colorado's progress has been necessarily dependent upon technological progress. But, the States have had to look to the AEC and other Federal agencies for guidance in these matters. Under the Atomic Energy Act of 1954, the AEC is "authorized and directed to cooperate with the States in the formulation of standards for protection against hazards of radiation." And, in order to carry out these responsibilities the Atomic Energy Act established the Federal Radiation Council, consisting of the Secretary of Health, Education, and Welfare, the Chairman of the AEC, the Secretary of Defense, the Secretary of Commerce, the Secretary of Labor, and such other members as may be designated by the President. Under the provisions of the section establishing the Council, it was mandated to "advise the President with respect to radiation matters, directly or indirectly affecting health, including guidance for all Federal agencies in the formulation of radiation standards and in the establishment and execution of programs of cooperation with States."

The AEC and the Federal Government were the primary beneficiaries of uranium mining activity, particularly during the period when most of the injuries occurred that are now being compensated by the Colorado Industrial Commission. There is, in my view, a Federal responsibility stemming both from its proprietary function and from the fact that it was the primary repository of all necessary technical information required to set up an appropriate safety program. Commissioner Ramey supported this contention in testimony before the Joint Committee on Atomic Energy on May 23, 1967:

Mr. RAMEY. We do feel in this case the Federal Government does have some responsibility. The period these miners were exposed was the period when all the uranium was being bought by the Federal Government. So we acknowledge and recognize that there should be some Federal responsibility.

So, from a proprietary standpoint, the AEC recognizes "some Federal responsibility." In my opinion, there is also Federal responsibility stemming from the Government's almost exclusive control over research and the acquisition and accumulation of technical information needed to guard against the hazard. The following exchange between Representative HOLIFIELD and Commissioner Ramey during the Joint Committee hearings underscores this:

Representative HOLIFIELD. In other words, there has been expertise in the field applied to the problem over these years by the Public Health Service?

Mr. RAMEY. Yes, sir; in that context. I think, also, on the mining side as such, the AEC, again does not have all of the expertise certainly on mining and mine ventilation, and so on. That is why we cooperated with the Bureau of Mines and, of course, with the State people in regard to leased mines. We did and do consider ourselves to have some expertise on the radiation aspects of it.

Representative HOLIFIELD. At least in the interpretation of radiation levels.

Mr. RAMEY. Yes.

Of course, no one expects the AEC to have special expertise in general mine safety. It is, after all, the State bureaus and the Federal Bureau of Mines who have had years of experience in this field. But, in this case the hazard is not one of general mining safety. It was an invisible, tasteless, and odorless gas whose recognizable deleterious effects might not manifest themselves for two decades. The type of expertise necessary to establish protective measures was the kind for which, logically, the States would look to the AEC, the Federal Radiation Council, and/or the Public Health Service to supply.

The question, then, is "did the Federal agencies provide the necessary technical guidance in a timely fashion?" I refer, again, to colloquy between Commissioner Ramey and Representative HOLIFIELD during the Joint Committee hearings.

Representative HOLIFIELD. But we were accumulating knowledge in this field. I mean, the AEC, as well as the Committee, has been accumulating knowledge in this field, and some of the latest knowledge that has come to us has been in the form of conclusions that have been long in the making.

Mr. RAMEY. Yes, sir. The Joint Committee hearings in 1959, in which Mr. Holaday testified, brought up the uranium miner problem. At that time, though, there had only been, as I recall, four deaths. It was not clear from the HEW, Public Health Service epidemiological studies exactly how that trend was going to go. It began to become clearer, I think, in 1962 and 1963, as I recall, that the trend was going to follow the same way that it had done in Europe in the Silesian mines and so on. It was in this period in the mid-1960's where we could have probably moved a little faster. As you know, there were various other problems and factors involved that were being given priority attention; namely, fallout and related criteria.

It is not my purpose to engage in recriminations. Hindsight is always better than foresight. The AEC had its priorities and I have no quarrel with these priorities. In a sense, this is an example of one of the dangers of concentrating control in one office. In this particular case, however, concentration of control is perhaps more justified than in any other. But this does not alter the fact that the States had a right to look to the AEC and other Federal agencies for the necessary technical information. To put it another way, who else would be expected to have the necessary technical information if the AEC, the Federal Radiation Council and the Public Health Service did not? These are the agencies which have the statutory responsibility of acquiring the needed expertise. It is difficult for me to imagine anyone attempting to place that responsibility on the States.

On the other hand, the States do have a responsibility to administer mine safety programs. I cannot speak for the other States, but the evidence clearly indicates that Colorado has discharged this responsibility aggressively within the limits of the technical information available to it.

Colorado has gone even farther and as the industrial commission digest of lung cancer cases shows, Colorado has been providing medical and death benefits to victims of lung cancer in the uranium mining industry. However, in my opinion, this is not a burden that the States should be required to shoulder—at least as far as past injuries are concerned. The Nation as a whole should carry the load. Actuarial studies indicate that in Colorado alone, the potential liability of the State compensation insurance fund may be $8.5 million. Mr. James M. Shaffer, chairman of the Industrial Commission of Colorado makes this point very vividly in his February 10, 1967, memorandum to Gov. John Love. I shall read the salient parts of that memorandum:

Figures have recently been developed by a Dr. Archer of the United States Public Health Service in the area of radiation-induced lung cancer which have begun to cause us some concern because of their impact on the uranium industry in Colorado and its workmen's compensation insurer, the State Compensation Insurance Fund. As a result of Dr. Archer's projections, the industry has recently had an actuarial study made of the problem as it relates to Colorado. This study indicates that within the next twenty years there is the likelihood of 450 radiation-induced lung cancer deaths in this state, with a potential liability of $8,500,000.00.

This has been a rather sudden presentation of a problem and a volume of risk which had not been foreseen by anyone. This situation, if borne out, would present a reserving problem to the State Compensation Insurance Fund of almost fatal proportions—that is, if we have to set up reserves of that magnitude, our financial statement would immediately indicate that the State Fund was close to insolvency.

Further, this problem has the additional complication that establishing rates for the workmen's compensation insurance of Colorado corporations in the uranium industry to cover this kind of cost is impossible on a retroactive basis because their contracts with the AEC probably are not subject to renegotiation.

In addition to this, the problem is not confined to the boundaries of Colorado, nor are the corporations involved. There is, as you know, uranium activity in Utah, Wyoming, Arizona and New Mexico. It is our feeling that, because of the interstate nature of the situation and because the chief beneficiary of uranium production has been the Atomic Energy Commission, that it should properly bear the costs of these injuries and fatalities as an unforeseen part of the cost of ore production.

Mr. Shaffer makes mention of an actuarial study which was performed by the New York firm of Woodward & Fondiller, Inc., at the instance of the Colorado Mining Industrial Development Board. The full text of that actuarial study may be found in the hearings of the Joint Committee on Atomic Energy on Radiation Exposure of Uranium Miners, May 9 through August 10, 1967, as appendix 7. I shall quote two significant paragraphs from that study dealing with this specific matter:

Obviously, the economic cost of uranium mined to date includes a large element not considered in the setting of prices charged to the U.S. Atomic Energy Commission for the product. That element, of course, is the subject of calculations made herein.

Its possible magnitude obviously far exceeds the ability of the Colorado State Compensation Insurance Fund to pay out of existing surplus. Hence, if we assume that these claims will be paid, it is evident that the money must be found elsewhere. We think that since the mining of uranium until now has been conducted, almost exclusively for purposes of national defense, the full cost of such mining should be borne by the country as a whole. It follows that we believe the Federal government should assume these costs as they arise. This might be accomplished, for example, through the enactment of special legislation authorizing the reimbursement of state insurance funds (perhaps indirectly through their respective state governments) for payments made on lung cancer cases involving uranium miners. We are not attempting, of course, to recommend this or any other particular procedure but merely urge Federal assumption of these costs in principle.

Mr. President, it would seem that the AEC concurs in the belief that the Federal Government should participate in a program of compensation and medical treatment for uranium miners injured by radiation and the inhalation of radon gas. In response to the rhetorical questions, "What can the Federal Government do?" Commissioner Ramey, in his prepared statement to the Joint Committee, proposed among other things, that—

A stated objective of assuring that no uranium miner developing lung cancer from exposure to radiation shall go without adequate medical care or compensation. This

program should develop recommendations, including proposed legislation, for the Federal government to participate in achieving this objective.

Mr. President, I agree with the concept that the Federal Government should participate in a compensation, medical treatment, and rehabilitation program for uranium miners injured by radiation. I have consulted with State officials, Federal officials, and officials of some of the producing companies, and I wish to acknowledge the advice and assistance I have received from them in drafting the bill I introduced today. I wish to particularly thank Mr. Donald Ream of the Labor Department, Mr. James Shaffer, chairman of the Industrial Commission of Colorado, Mr. Charles Eason of the AEC, and Mr. Richard Eckles, coordinator of the Colorado Department of Natural Resources, for their many suggestions, as well as Charles Cook of my own staff.

A TEMPORARY FEDERAL PROGRAM

Colorado State officials have expressed to me the willingness of the State industrial commission to assume the liability for radiation hazards in the future; however, during the period prior to the establishment of standards by the Federal Radiation Council, it is unreasonable for the States to be required to assume liability for a hazard that they were unaware of, particularly when the Federal Government was the primary and almost exclusive beneficiary of uranium mining and when the Federal Government was in almost exclusive control of the necessary technical information needed to devise protective measures.

With this in mind, I have drawn a bill which would cut off the liability of the United States for injuries occurring after December 31, 1970, the effect of which would be to return the liability to the States. This date is, of course, somewhat arbitrary; it was selected as being a date which would permit a reasonable time for realistic standards to be established and made operative. Additionally, this date coincides with the termination of the AEC uranium purchase contracts.

Subsequent to 1970, uranium mining will be primarily for the benefit of private industry, and the logic which supports the assumption of liability by the Federal Government during the early period loses much of its persuasiveness after that date. Under present circumstances, the States do not wish the Federal Government to permanently invade this field of workmen's compensation, and I can see no logical reason for the Federal Government to permanently assume this obligation. It is hoped that during the interim period between the effective date of this act, if it becomes law, and the cutoff date, actuarial data can be developed sufficiently to enable State compensation insurance funds, private carriers, and self-insurors to establish appropriate premiums and reserves to defray future potential liabilities.

On the other hand, I wish to make it clear that it is not the intention of section 4 to relieve the United States from liability for a lung cancer case which may have had its origin due to radiation exposure in a uranium mine during the period prior to the December 31, 1970, cutoff date. Testimony has shown that the effects of this kind of injury may not manifest itself for 10, 20, or 25 years after exposure. It is, therefore, my intention that lung cancer cases which have their origin in uranium mining as a result of radiation exposure as defined in section 2 of the bill, should be compensable under the terms of the bill.

STATE ADMINISTRATION

I have received comments to the effect that States which already have machinery established should be permitted to administer the provisions of the bill. This is certainly a reasonable suggestion, and would also effect savings to the Federal Government. It was with this purpose in mind that subsection 3(b) was included in the bill. It was not logical to make the language mandatory since there is such a variance in the workmen's compensation setups in the affected States; hence, the language is permissive. However, it is the intent of the subsection that the Secretary, in exercising his discretion, utilize established State machinery wherever possible.

LEVEL OF BENEFITS

Using the existing precedent of the Longshoremen's and Harbor Workers' Compensation Act, compensation benefits under my bill, except medical benefits, are geared to the established formula of that act. Medical services and rehabilitation will be furnished under the applicable provision of subchapter I, chapter 81 of title 5 of the United States Code.

DOUBLE COMPENSATION PREVENTED

There are included, of course, the usual provisions prohibiting the injured workman, his heirs or estate from receiving compensation from more than one source for the same injury. The right of recovery of any double compensation is provided to the Secretary.

FRAUD; PENALTIES

Provision is made for fraudulent applications for benefits under the bill, and as a misdemeanor, the maximum penalties are set at 1 year imprisonment or $1,000 fine or both.

LEGAL SERVICES

No claim for legal or other services shall be allowed unless approved by the Secretary, and anyone who solicits such employment and receives a fee therefor, shall, upon conviction, be subject to a fine of $1,000 or imprisonment for 1 year or both. While it is the purpose of this section to insure that the benefits provided under this bill would get to the injured workman or his heirs, nevertheless, there are many occasions when the services of legal counsel will be highly beneficial in the interest of making a just award. The Secretary is, therefore, authorized to approve and pay for such services out of the fund without diminishing the benefits to the claimant.

ASSIGNMENT, EXECUTION AND LEVY

Again, in order to insure that the claimant receives these benefits unencumbered, there can be no assignment of rights under this bill. Further, all of the moneys payable under the provisions of the bill shall be exempt from execution, levy, attachments, and garnishment.

REIMBURSEMENT TO STATES

As I pointed out earlier, Colorado has been the leader both in the field of compensation and in the field of preventative controls. The fact that Colorado has been the leader should not be allowed to work against her; if anything, she should be rewarded for her leadership. There has been considerable talk in the Halls of Congress during the past few years concerning incentive payments to States "in order to encourage States to do what they ought to be doing." In this case a State has assumed a liability more properly belonging to the Federal Government. Surely, the least the Federal Government can do is to reimburse a State which has been doing something the United States should have been doing.

Earlier in this introductory speech I quoted from documents which indicated that as a result of recently released information an actuarial study was performed which indicates that Colorado's liability could equal or exceed $8.5 million over the next 15 years or so. The magnitude of that liability is such as to render Colorado's compensation insurance fund insolvent. Section 12 provides for reimbursement to those States which have paid benefits to persons for radiation injuries as defined in the bill prior to the effective date of the bill, January 1, 1968.

EFFECTIVE DATE

If enacted as drawn, the bill would be effective as of January 1, 1968. This date was selected back in the latter part of May of this year when I first drafted the bill. At that time, I had the impression that things would move a little faster than they have. While I have received many comments from interested agencies, organizations, and individuals, many more have deferred comment until after the Joint Committee on Atomic Energy had completed its hearings and deliberations and until after the Federal Radiation Council had held its meetings relating to radiation standards. Therefore, I wish to call to the attention of the committee to which this bill will be referred, the need to review the effective date during executive markup. It may be that the dates in sections 6, 12, and 14 will need to be revised.

Mr. President, the bill I introduce today is the product of many conferences with many people. I have tried to incorporate as many of the desirable features that have been suggested as possible. I do not pretend that this bill is the final and complete answer which cannot be improved upon, but I do believe that it is a good beginning.

It is a beginning upon which the Congress can work its legislative will, and in its wisdom produce a legislative product which will do equity to those who have been injured by radiation, while at the same time reimbursing States which have led the way. It is for this reason that I shall forward to the committee of reference the many letters and memorandums I have received commenting upon the various provisions of the bill, so

that the committee may have the benefit of those analyses during deliberation.

I had hoped that we could move toward a resolution of this problem with much more alacrity than has so far been the case. Consequently, while I have not received all of the comments I would have liked to have received, and this is particularly true of labor and industry, I have decided to introduce the bill at this time in order to get things moving in a positive vein.

Mr. President, on behalf of Senator DOMINICK and myself, I send to the desk for appropriate reference a bill to provide workmen's compensation protection to certain individuals who, while employed in, or in connection with, the mining of radioactive material, suffer injury or death from the effects of radiation.

I ask unanimous consent that the bill be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2686) to provide workmen's compensation protection to certain individuals who, while employed in, or in connection with, the mining of radioactive material, suffer injury or death from the effects of radiation introduced by Mr. ALLOTT (for himself and Mr. DOMINICK), was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 2686

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Radiation Hazards Compensation Act".

DEFINITIONS

SEC. 2. For the purposes of this Act—

(a) the term "radioactive material" means any by-product material or any material, solid, liquid, or gas that emits gamma rays or X-rays, alpha or beta particles, high-speed electrons, neutrons, protons, or other nuclear particles or electomagnetic radiation capable of producing ions directly or indirectly in their passage through matter;

(b) the term "United States" when used in a geographic sense means the fifty States and the District of Columbia;

(c) the term "State" includes the District of Columbia;

(d) the term "contractor with the United States" includes any subcontractor or subordinate subcontractor with respect to the contract of such contractor;

(e) the term "Secretary", unless the context indicates otherwise, means the Secretary of Labor.

ADMINISTRATION

SEC. 3. (a) The provisions of this Act shall be administered by the Secretary of Labor, and the Secretary is authorized to make rules and regulations for the administration thereof and to contract with insurance carriers for the use of the service facilities of such carriers for the purpose of facilitating administration of such provisions.

(b) In administering the provisions of this Act the Secretary may enter into agreements or cooperative working arrangements with other agencies of the United States or of any State or political subdivision thereof, and with other public agencies and private persons, agencies, or institutions, to utilize their services and facilities and to compensate them for such use. The Secretary may delegate to any officer or employee, or to any agency, of the United States or of any State, or any political subdivision thereof, such of his powers and duties as he finds necessary for carrying out the purposes of this Act.

(c) The Secretary, in his discretion, may waive the limitation provisions of subchapter I of chapter 81 (relating to compensation for work injuries generally) of title 5, United States Code, with respect to notice of injury and filing of claims under this Act, whenever the Secretary shall find that, because of circumstances beyond the control of an injured person or his beneficiary, compliance with such provisions could not have been accomplished within the time therein specified.

INJURY OR DEATH

SEC. 4. (a) In the case of injury or death resulting from injury—

(1) which occurs within the period which begins January 1, 1941 and ends with the close of December 31, 1970,

(2) which is attributable (wholly or in part) to exposure to radioactive material,

(3) to any individual who, during the period referred to in clause (1) and before such injury occurred, was employed in, or in connection with, the mining (within the United States) of radioactive material,

the provisions of subchapter I of chapter 81 of title 5, United States Code, shall (except as is otherwise provided in this Act) apply with respect thereto in the same manner and to the same extent as if the individual suffering such injury had, at the time such injury was suffered by him, been a civil employee of the United States and were injured while in the performance of his duty, and any compensation found to be due shall be paid from the compensation fund established pursuant to section 8147 of such title 5. This subsection shall not be construed to include any individual who would otherwise come within the purview of subchapter I of chapter 81 of such title 5.

(b) For purposes of subsection (a)(2), any injury which could be attributable to exposure from radioactive material shall be deemed to be attributable to such exposure if the injury arises after the individual suffering the same was employed in, or in connection with, the mining (within the United States) of radioactive material.

LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT

SEC. 5. (a) In the administration of the provisions of subchapter I of chapter 81 of title 5, United States Code, with respect to cases coming within the purview of section 4(a), the scale of compensation benefits and the provisions for determining the amount of compensation and the payment thereof as provided in sections 8 and 9 of the Longshoremen's and Harbor Workers' Compensation Act (908 and 909 of title 33, U.S.C.), so far as the provisions of such sections can be applied under the terms and conditions set forth therein, shall be payable in lieu of the benefits, except medical benefits, provided under such subchapter I; except that the total compensation payable under this Act shall in no event exceed the limitations upon compensation as fixed in section 14(m) of the Longshoremen's and Harbor Workers' Compensation Act (sec. 914(m) of title 33, U.S.C.).

(b) For purposes of computing compensation with respect to cases coming within the purview of section 4(a), the provisions of sections 6 and 10 of the Longshoremen's and Harbor Workers' Compensation Act (906 and 910 of title 33, U.S.C.) shall be applicable, except that the minimum limit on weekly compensation for disability, established by section 6(b) of such Act, and the minimum limit on the average weekly wages on which death benefits are to be computed, established by section 9(e) of such Act, shall not apply in computing compensation under this Act.

DEEMED DATE OF OCCURRENCE OF INJURY OR DEATH

SEC. 6. Any injury or death within the purview of this Act which occurred prior to January 1, 1968, shall, for purposes of any requirements with respect to the report of such injury or death or with respect to the time for making claim for compensation on account thereof, be deemed to have occurred on January 1, 1968.

RECEIPT OF WORKMEN'S COMPENSATION BENEFITS

SEC. 7. (a) No benefits shall be paid or furnished under the provisions of this Act for any injury or death to any person who recovers or receives workmen's compensation benefits for the same injury or death under any other law of the United States, or under the law of any State, or benefits in the nature of workmen's compensation benefits payable under an agreement approved or authorized by the United States pursuant to which a contractor with the United States has undertaken to provide such benefits.

(b) The Secretary of Labor shall have a lien and a right of recovery, to the extent of any payments made to any person under this Act on account of injury or death, against any compensation payable under any other workmen's compensation law on account of the same injury or death; and any amount recovered under this subsection shall be covered into the fund established under section 8147 of title 5, United States Code.

(c) Where any individual specified in section 4(a), or the dependent, beneficiary, or allottee of such individual, receives or claims wages, payment in lieu of wages, or insurance benefits for disability or loss of life (other than workmen's compensation benefits), and the cost of such wages, payments, or benefits is provided in whole or in part by the United States, the amount of such wages, payments, or benefits shall be credited, in such manner as the Secretary of Labor shall determine, against any payments to which any such individual is entitled under this Act.

(d) Where any individual specified in section 4(a), or any dependent, beneficiary, or allottee of such person, or the legal representative or estate of any such individual (his dependent, beneficiary, or allottee), after having obtained benefits under this Act, seeks through any proceeding, claim, or otherwise, brought or maintained against the employer of such individual, the United States, or any other person, to recover wages, payments in lieu of wages, or any sum claimed for services rendered, or for failure to furnish transportation, or for liquidated or unliquidated damages under the employment contract, or any other benefit, and the right in respect thereto is alleged to have accrued during or as to any period of time in respect to which payments under this Act in such case have been made, and in like cases where a recovery is made or allowed, the Secretary of Labor shall have the right of intervention and a lien and right of recovery to the extent of any payments paid and payable under this Act in such case, provided the cost of such wages, payments in lieu of wages, or other such right, may be directly or indirectly paid by the United States; and any amounts recovered under this subsection shall be covered into the fund established under section 8147 of title 5, United States Code.

(e) If at the time an individual sustains an injury coming within the purview of this Act such individual is receiving workmen's compensation benefits on account of a prior accident or disease, such person shall not be entitled to any benefits under this Act during the period covered by such workmen's compensation benefits unless the injury com-

ing within the purview of this Act increases his disability, and then only to the extent such disability has been so increased.

FRAUD; PENALTIES

SEC. 8. Whoever, for the purpose of causing an increase in any payment authorized to be made under this Act, or for the purpose of causing any payment to be made where no payment is authorized hereunder, shall knowingly make or cause to be made, or aid or abet in the making of any false statement or representation of a material fact in any application for any payment under this Act, or knowingly make or cause to be made, or aid or abet in the making of any false statement, representation, affidavit, or document in connection with such an application, or claim, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than $1,000 or imprisoned for not more than one year, or both.

LEGAL SERVICES

SEC. 9. No claim for legal services or for any other services rendered in respect of a claim or award for compensation under this Act to or on account of any person shall be valid unless approved by the Secretary; and any claim so approved shall, in the manner and to the extent fixed by the Secretary, be paid out of the compensation payable to the claimant; and any person who receives any fee, other consideration, or any gratuity on account of services so rendered, unless such consideration or gratuity is so approved, or who solicits employment for another person or for himself in respect of any claim or award for compensation under this Act shall be guilty of a misdemeanor and upon conviction thereof shall, for each offense, be fined not more than $1,000 or imprisoned not more than one year, or both.

FINALITY OF SECRETARY'S DECISIONS

SEC. 10. The action of the Secretary in allowing or denying any payment under this Act shall be final and conclusive on all questions of law and fact and not subject to review by any other official of the United States or by any court by mandamus or otherwise, and the Comptroller General is authorized and directed to allow credit in the accounts of any certifying or disbursing officer for payments in accordance with such action.

ASSIGNMENT OF BENEFITS; EXECUTION, LEVY, ETC., AGAINST BENEFITS

SEC. 11. The right of any person to any benefit under this Act shall not be transferable or assignable at law or in equity except to the United States, and none of the moneys paid or payable (except money paid hereunder as reimbursement for funeral expenses or as reimbursement with respect to payments of workmen's compensation or in the nature of workmen's compensation benefits), or rights existing under this Act, shall be subject to execution, levy, attachment, garnishment, or other legal process or to the operation of any bankruptcy or insolvency law.

REIMBURSEMENT TO STATES

SEC. 12. Where any State or any workmen's compensation fund of any State has prior to January 1, 1968, paid benefits to any person by reason of an injury or death which comes within the purview of section 4 (a), such State, or fund (as the case may be) shall be entitled to reimbursement for all the benefits so paid, including funeral and burial expenses, medical, hospital, or other similar costs for treatment and care, and reasonable and necessary claims expense in connection therewith. Claim for such reimbursement shall be filed with the Secretary under regulations promulgated by him, and such claims, or such part thereof as may be allowed by the Secretary, shall be paid from the compensation fund established pursuant to section 8147 of title 5, United States Code.

AUTHORIZATION OF APPROPRIATION

SEC. 13. There are hereby authorized to be appropriated such funds as may be necessary to carry out the provisions of this Act. From amounts so appropriated, such funds as may be necessary to make the payments provided by this Act from the compensation fund established pursuant to section 8147 of title 5, United States Code, shall be deposited in such fund.

EFFECTIVE DATE PROVISIONS

SEC. 14. No payments of benefits under this Act and no payments under this Act to States or State workmen's compensation funds shall be made prior to January 1, 1968.

EXTENSION AND AMENDMENT OF CERTAIN PROVISIONS OF THE PUBLIC HEALTH SERVICE ACT FOR MIGRANT HEALTH SERVICES

Mr. WILLIAMS of New Jersey. Mr. President, I introduce, for appropriate reference today, a bill to extend and otherwise amend certain expiring provisions of the Public Health Service Act for migrant health services. Joining me in sponsoring this measure are Senator CASE, Senator CLARK, Senator JAVITS, Senator KENNEDY of Massachusetts, Senator KENNEDY of New York, Senator MORSE, Senator PELL, and Senator YARBOROUGH.

Mr. President, millions of Americans—migrant farmworkers and their families—traditionally have been excluded from community health services—excluded by distance, cost, their own lack of knowledge, their transiency, and community rejection. Migrants have less access to health care than other members of our population, although they generally have a greater need for health care. The migrant family's transient way of life aggravates the many basic health problems which are associated with their poverty, and poor living and working conditions. They live on the fringes of society, far removed from such fundamental community health services as immunizations and obstetrical care.

The Migrant Health Act, enacted in 1962 as Public Law 89–692 with an appropriation ceiling of $3 million annually for a 3-year period, has started to change this picture. Because of its widely recognized success in upgrading the health of the migrant farm family, the act was extended by Public Law 89–109 for an additional 3 years with increasing appropriations. This extension carries the program through June 30, 1968.

We are far from providing each migrant the minimum standard of health most of us have; they need more than a get-well card. Extending the appropriation of the Migrant Health Act as I am proposing today will bring the Public Health Service programs to a more realistic level.

The Migrant Health Act which amends title III of the Public Health Service Act to authorize grants for improving domestic agricultural migratory workers' health services and conditions helps States and communities to muster the resources needed to extend their services to migrants.

Grants by the Public Health Service pay part of the cost of family clinics held in large labor camps at times when migrant workers and their families can use the service without loss of time from work. Local physicians provide medical treatment for illness or injury at the family clinics. They also provide immunizations, screening for hidden disease, family planning services, and pre- and post-natal care. In addition, they supplement family clinic services by providing care in their own offices between clinic sessions.

Nurses assist the physicians in the clinics, and visit camps on a regular schedule to advise on health matters, identify health problems that require treatment, arrange for the patients to see project physicians, and see that patients understand and follow the doctor's instructions.

Migrant health grants also help to pay for dental care, health education, sanitation services, and other types of health services.

Programs under the act stress flexibility in the scheduling of services so as to make them available at times and places where migrants can effectively be reached. Night clinics are frequently held at points where migrant workers are concentrated and health aides work in migrant labor camps in order to bring service to people ill-accustomed to seeking and using medical care. Through these projects we are making progress in the health status, the personal health practices, and the environment of migrant workers and their families.

During the 1967 fiscal year, one-fourth of the Nation's migrants had access to project services for at least a brief period. Migrant workers and family members made more than 239,000 visits for medical or dental treatment. In addition, nurses made 125,000 visits to migrant families, for casefinding, followup, and health counseling; and sanitarians made 125,000 camp inspections.

However, the demand for migrant health services far exceeds the existing program's resources. Grant funds available for fiscal year 1968 were limited to $7.2 million, about $2 million less than the small authorization. Yet the needs for growth of existing projects—without adding a single new project anywhere in the country—came to more than $13 million. In other words, current needs already exceed available funds by approximately $6 million. New projects will increase the need beyond $6 million. In view of the lack of funds, the Public Health Service has had to notify new applicants that their projects cannot even be considered until additional funding is available.

For the first time in migrants' long history of neglect, the migrant health program provides a mechanism to bring this needy group higher on the priority list of States and communities. The program has demonstrated that the special incentive of project grants stimulates community planning and acceptance of responsibility. Many of the communities where migrants live and work temporarily are themselves below the national average in income. These communities desperately need the financial help which we have already generated.

The program is well started. Loss of the planning and organizational effort to deliver services to migrants would be unfortunate. Loss of services to the people would be tragic. Loss of momentum would be regrettable. To maintain the program's momentum and to realize its potential, it should now be extended. Moreover, the appropriation ceilings should be set at realistic levels that will enable the Public Health Service to increase the geographic coverage of project services; to strengthen and expand medical, dental, health education, and other project services; and to make grant assistance available for full reimbursement of hospital costs.

The Public Health Service has awarded grants to 31 projects serving migrants in 114 counties in 20 States by the end of the program's first operating year. Today, 115 projects provide migrants personal health care in 300 counties in 36 States and Puerto Rico.

Mr. President, I ask unanimous consent that the computation of migrant health projects, the services which they provide, and their directors listed by State be printed in the RECORD at this point in my remarks.

There being no objection, the computation was ordered to be printed in the RECORD, as follows:

APPENDIX B

[From the Department of Health, Education, and Welfare, January 1, 1967]

PROJECTS RECEIVING MIGRANT HEALTH PROJECT GRANT ASSISTANCE

NOTE.—A. *Personal health services* usually include medical, nursing, health education and, in many cases, at least limited dental or other services; B. *Sanitation services* include housing, camp and field inspection and follow-up; plus work with owners and occupants of housing to improve maintenance of the general environment; C. *Statewide consultation* includes general assistance in program planning, development, and coordination.

ARIZONA

A, B—Catherine C. Le Seney, M.D., Director, Pinal County Migrant Health Protect (MG–94), Pinal County Health Department, Post Office Box 807, Florence, Arizona.

C—Statewide consultation; personal health and sanitation services in counties without county-level projects: Robert C. Martens, Director, Arizona State Migrant Health Program (MG–111), State Department of Health, 1624 West Adams Street, Phoenix, Arizona 85007.

A, B—S. F. Farnsworth, M.D., Director, Maricopa County Migrant Family Health Clinic Project (MG–29), Maricopa County Health Department, 1825 East Roosevelt, Phoenix, Arizona 85006.

A, B—Frederick J. Brady, M.D., Director, Assistance to Pima County Migrants (MG–49), Pima County Health Department, 161 West Alameda Street, Tucson, Arizona.

A, B—Joseph Pinto, M.D., Director, Yuma County Migrant Family Health Clinic (MG–66), Yuma County Health Department, 145 Third Avenue, Yuma, Arizona.

ARKANSAS

A, B—Richard J. Brightwell, M.D., Director, Northwest Arkansas Migrant Committee Project, Washington County Public Health Center (MG–50), 34 West North Street, Fayetteville, Arkansas.

CALIFORNIA

Statewide consultation: personal health and sanitation services through county-level subprojects in cooperating counties: Robert Day, M.D., Director, Health Program for Farm Workers' Families, State Department of Publis Health, 2151 Berkeley Way, Berkeley, California.

COLORADO

Statewide consultation and services to supplement those at county-level; personal health services through county-level subprojects in cooperating counties: Dr. Robert A. Downs, D.D.S., Director, State Migrant Plan for Public Health Service (MG–09), Colorado Department of Public Health, 4210 East 11th Avenue, Denver, Colorado 80220.

CONNECTICUT

B—Marvin L. Smith, Director, Improved Migrant Farm Labor Sanitation Program (MG–82), State Department of Health, Hartford, Connecticut 06115.

DELAWARE

A—Rev. Samuel A. Snyder, Jr., Director, Delaware Migrant Health Project (MG–83), Delaware State Council of Churches, 217 North Bradford Street, Dover, Delaware.

FLORIDA

Statewide consultation; personal health and sanitation services through county-level subprojects in cooperating counties: James E. Fulghum, M.D., Acting Director, Statewide Program of Health Services for (MG–18) Migrant Farm Workers and their Dependents, Florida State Board of Health, Post Office Box 210, Jacksonville, Florida 32201.

A, B—T. E. Cato, M.D., Director, Comprehensive Health Care Project for Migrant Farm Workers (MG–34), Dade County Health Department, 1350 Northwest 14th Street, Miami, Florida.

A, B—Donald N. Logsdon, M.D., Director, Improvement of Personal Health and Environmental Sanitation (MG–11), Palm Beach County Health Department, 826 Evernia Street, West Palm Beach, Florida.

IDAHO

B (primary focus)—F. O. Graeber, M.D., Director, Idaho's Migrant Health Services (MG–124), Idaho Department of Health, Statehouse, Boise, Idaho 83701.

ILLINOIS

Statewide consultation; personal health services in process of development in 3 counties: Donaldson F. Rawlings, M.D., Director, An Action Program for Agricultural Migrant Workers and their Families (MG–105), Illinois Department of Public Health, Division of Preventive Medicine, Springfield, Illinois.

INDIANA

Statewide consultation; personal health and sanitation services in cooperating counties. Verne K. Harvey, Jr., M.D., Director, Health Services for Agricultural Migrant Workers and Families (MG–20), Indiana State Board of Health, 1330 West Michigan Street, Indianapolis, Indiana.

IOWA

A—Mrs. Richard E. Sandage, Director, Health Services for Migrant Families in the North Iowa Area (MG–116), Migrant Action Program, Inc., Box 717, Mason City, Iowa 50401.

A, B—Mr. Jerry Lange, Director, Muscatine Area Migrant Families Health Service (MG–23), Muscatine Migrant Committee, Post Office Box 683, Muscatine, Iowa 52761.

KANSAS

A, B—N. G. Walker, M.D., M.P.H., Director, Plan to Provide Health Services to Migrants, Kansas City-Wyandotte County Health Department (MG–74), 619 Ann Avenue, Kansas City, Kansas.

A, B—Patricia Schloesser, M.D., Director, Public Health Services to Kansas Migrants (MG–64), Kansas State Department of Health, Topeka, Kansas.

KENTUCKY

A, B—Jorge Deju, M.D., Director, Migrant Worker Health Project (MG–77), Kentucky State Department of Health, 275 East Main Street, Frankfort, Kentucky 40601.

LOUISIANA

A—Mr. Milburn Fletcher, Director, New and Improved Medical, Dental and Nursing Services to Migratory Workers and Families (MG–54), Health Subcommittee, Tangipahoa Migrant Committee, Box 257—Route 2, Ponchatoula, Louisiana.

MARYLAND

A—The Reverend Carroll L. Boyer, Director, Frederick County Migrant Health Project (MG–80), Frederick County Migrant Health Council, Inc., 1415 W. Seventh Street, Frederick, Maryland 21701.

MASSACHUSETTS

A—Leon Sternfeld, M.D., Director, Massachusetts Migrant Health Project (MG–68), Massachusetts Health Research Institute, Inc., 8 Ashburton Place, Boston, Massachusetts 02108.

MICHIGAN

B—Robert L. Maddex, Director, Improving Seasonal Labor Facilities to Benefit Migrant Health and Welfare (MG–76), Agricultural Engineering Department, Michigan State University, East Lansing, Michigan.

A (see MG–91)—Ralph Ten Have, M.D., Director, Cooperative Migrant Project (MG–31), Ottawa County Health Department, Grand Haven, Michigan.

B—Serves all counties in State housing migrants but lacking local sanitation project services: John E. Vogt, Director, Environmental Health Camp Sanitation Project for Migrant Worker and his Family (MG–91), Michigan Department of Health, 3500 North Logan, Lansing, Michigan.

Statewide consultation: Douglas H. Fryer, M.D., Director, Improvement and Expansion of Health Services to Migrant Agricultural Workers, and their Families (MG–30), Michigan Department of Health, 3500 North Logan, Lansing, Michigan.

A, B—Gladys J. Kleinschmidt, M.D., Director, Migrant Family Health Clinic and Hospital Program (MG–131), Manistee-Mason District Health Department, 401 East Ludington Avenue, Ludington, Michigan 49431.

A, B—C. D. Barrett, Sr., M.D., M.P.H., Director, Migrant Family Health Services, Nursing, Sanitation and Dental (MG–79), Monroe County Health Department, Monroe, Michigan 48161.

A, B—Robert P. Locey, M.D., Director, Migrant Health Program (MG–107), Tri-County Associated Health Departments, 505 Pleasant Street, St. Joseph, Michigan.

MINNESOTA

A, B (in cooperating counties)—Statewide consultation: D. S. Fleming, M.D., Director, Migrant Labor Environmental Health, and Nursing Service and Health Education Project (MG–67), Minnesota Department of Health, University Campus Minneapolis, Minnesota 55440.

MISSOURI

A (limited)—David Ragan, Director, Family Health Education Services for Home Based Migrants (MG–104), Delmo Housing Corporation, Lilbourn, Missouri.

NEBRASKA

A, B (in one area of State)—T. R. Dappen, Director, Plan to Provide Health Education and Other Public Health Services for Migrant Families (MG–88), Nebraska State Department of Health, Capital Building, Post Office Box 94757, Lincoln, Nebraska 68509.

NEW JERSEY

A, B (in cooperating counties)—Statewide consultation: Thomas Gilbert, M.P.H., Director, Health Services for Migrant Agricultural Workers (MG–08), New Jersey State Department of Health, 129 East Hanover Street, Trenton, New Jersey 08625.

A, B—William P. Doherty, Director, Migrant

Health Services, Cumberland County (MG–118), Board of Chosen Freeholders of Cumberland County, Cumberland County Court House, Bridgeton, New Jersey.

NEW MEXICO

A, B—Paul C. Cox, Director, Las Cruces Migrant Health Project (MG–15), Las Cruces Committee on Migrant Ministry, 1904 Idaho Avenue, Las Cruces, New Mexico.

A, B—Marion Hotopp, M.D., and Marion S. Morse, M.D., Codirectors, Migrant Health Project-Health Districts 1 and 5 (MG–134), New Mexico Department of Public Health, 408 Galisteo Street, Sante Fe, New Mexico 87501.

NEW YORK

A, B—G. Harold Warnock, M.D., M.P.H., Director, Cayuga County Migrant Health Services Program, Cayuga County Health Department (MG–106), 5 James Street, Box 219, Auburn, New York.

A, B—Bernard S. Bernstein, Director, Orange County Migrant Health Project (MG–135), Orange County Council of Community Services, Box 178, Goshen, New York.

A, B—Vernon B. Link, M.D., Director, New Platz Migrant Health Project (MG–125), Ulster County Department of Health, 244 Fair Street, Kingston, New York 12401.

A, B—Michael D. Buscemi, M.D., Director, Suffolk County Migrant Health Project (MG–60), Suffolk County Department of Health, Suffolk County Center, Riverhead, Long Island, New York.

A—John A. Radebaugh, M.D., Director, Monroe County Migrant Project (MG–103), University of Rochester, River Campus Station, Rochester, New York 14627.

A, B—Evelyn F. H. Rogers, M.D., M.P.H., Director, Family Service Clinics (MG–38), Utica County Department of Health, Utica District Office, 1512 Genessee Street, Utica, New York 13502.

NEVADA

A—Otto Ravenholt, M.D., Director, Moapa Valley Migrant Health Program (MG–133), Clark County District Health Department, 625 Shadow Lane, Las Vegas, Nevada 89106.

NORTH CAROLINA

A—Caroline H. Callison, M.D., Director, Sampson Migrant Health Service Project (MG–122), Community Action Council, Inc., Clinton, North Carolina.

A, B—Isa C. Grant, M.D., Director, Albermarle Migrant Health Service Project (MG–57), District Health Service Project (MG–57), District Health Department, Elizabeth City, North Carolina.

A, B—Mrs. Frank R. Burson, Director, Henderson County Migrant Family Health Service (MG–28), Henderson County Migrant Council, Inc., 218 Fairground Avenue, Hendersonville, North Carolina.

A—Reverend Mr. Charles L. Kirby, Director, Carteret County Mobile Migrant Clinic (MG–27), Carteret County Migrant Committee, c/o First Presbyterian Church, Morehead City, North Carolina.

Statewide consultation; sanitation services in counties without sanitation services through local projects: W. Burns Jones, M.D., Director, Migrant Health Project (MG–56), North Carolina State Board of Health, Post Office Box 2091, Raleigh, North Carolina.

OHIO

A—Mrs. Ralph McFadden, Director, Migrant Health Study Project and Dental Care Program (MG—263), Hartville Migrant Council, 1812 Frazier Avenue Northwest, Canton, Ohio 44709.

B—(Statewide to supplement services of county-level projects): Ray B. Watts, Director, Enviromental Health Project (Migrants), Ohio Department of Health, 450 East Town Street, Post Office Box 118, Columbus, Ohio.

Statewide consultation; direct services to supplement those through county-level projects: Miss Helen Massengale, Director, Health Aide, Nursing and Nutrition Consultation Project (MG–36), Ohio Department of Health, 450 East Town Street, Post Office Box, 118 Columbus, Ohio.

A—(through cooperating county-level projects): William L. Babeaux, D.D.S., Director, A Program for Provision of Dental Services to Migrants (MG–86), Ohio Department of Health, 65 South Front Street, Columbus 15, Ohio.

A, B—William J. Boswell, M.D., Director, Migrant Health Clinics, Nursing and Sanitation Service Program (MG–21), Sandusky County-Fremont City General Health District, Fremont, Ohio.

A, B—Giles Wolverton, M.D., Director Migrant Health Clinic and Nursing Services Project (MG–78), Darke County General Health District, Courthouse, Greenville, Ohio.

A—Rev. Robert Lamantia, Director Ottawa County Migrant Family Health Service Clinic, Ottawa County Ministry to Migrants, 159 North Church Street, Oak Harbor, Ohio.

A—Milo B. Rice, M.D., Project Director, Migrant Labor Family Care Program (MG–61), Putnam County General Health District, Courthouse, Ottawa, Ohio.

A, B—Dorothy M. Van Ausdal, M.D., Director, Family Health Education Project for Migrants (MG–35), Lucas County Health Department, 416 North Erie Street, Toledo, Ohio 43624.

OKLAHOMA

A, B—Joan M. Levitt, M.D., Director, Project To Improve Health Conditions and Health Services to the Domestic Agricultural Migrants (MG–59), State Department of Health, 3400 North Eastern, Oklahoma City, Oklahoma.

OREGON

A, B—H. Grant Skinner, M.D., Director, Yamhill County Migrant Health Project (MG–63), Yamhill County Health Department, Courthouse, McMinnville, Oregon.

Statewide consultation; direct personal health and sanitation services and services through contacts in cooperating counties. Ralph R. Sullivan, M.D., Director, Clinic Care, Public Health Nursing and Sanitation Services to Migrant Farm Labor (MG–05), Oregon State Board of Health, 1400 Southwest Fifth Avenue, Portland, Oregon 97201.

PENNSYLVANIA

Statewide consultation; direct personal health and sanitation services in cooperating counties. A. L. Chapman, M.D., Director, Health and Medical Services for Migrants (MG–33), Pennsylvania Department of Health, Post Office Box 90, Harrisburg, Pennsylvania.

PUERTO RICO

A, B—Ruben Nazario, M.D., Director, Health Needs of Migrant Workers Project (MG–58), University of Puerto Rico, School of Medicine, San Juan, Puerto Rico 00905.

SOUTH CAROLINA

A, B—H. Parker Jones, M.D., Director, Comprehensive Health Program for Agricultural Migrants—Beaufort County (MG–121), Post Office Box 408,[1] Beaufort, South Carolina 29903.

A, B—E. Kenneth Aycock, M.D., Director, Health Services for Migratory Agricultural Workers and Their Families—Charleston County (MG–26), 334 Calhoun Street,[1] Charleston, South Carolina 29401.

TEXAS

A, B—Gonzalo V. Trevino, Director, Jim Wells County Migrant Health Project (MG–99), Jim Wells County Commissioners Court, Jim Wells County Court House, 200 North Almond Street, Alice, Texas 78332.

Statewide consultation provision of technical and professional assistance to special local projects in establishing and maintaining their migrant programs.

A, B—Carl F. Moore, Jr., M.D., Director, Technical Assistance in Approaches to Health Problems Associated with Migratory Labor (MG–03), Texas State Department of Health, 1100 West 49th Street, Austin, Texas.

A, B—Jack F. Fox, M.D., and Harold R. Stevenson, M.D., Co-Directors, Greenbelt Medical Society Migrant Health Project (Childress and Hall Counties) (MG–109), Greenbelt Medical Society, 306 Third Northeast, Childress, Texas.

A, B—J. M. Barton, M.D., Director, La Salle County Migrant Health Project (MG–120), La Salle Court House, Center at Stewart Street, Cotulla, Texas 78014.

A, B—T. J. Taylor, Director, Crosby County Migrant Health Service Project (MG–108), Crosbyton Clinic Hospital, Post Office Box 248, Crosbyton, Texas.

A, B—B. Oliver Lewis, M.D., Director, Del Rio-Val Verde County Health Department Migrant Health Project (MG–128), Municipal Building, Del Rio, Texas.

A, B—R. D. Newman, Director, Castro County Migratory Health Project (MG–143), Castro County Commissioner's Court, Courthouse, Dimmitt, Texas.

A, B—Dr. John R. Copenhaver, M.D., Director, Hidalgo County Migrant Health Project (MG–117), Hidalgo County Health Department, Room 427, Courthouse, Edinburg, Texas.

A, B—L. W. Chilton, Jr., M.D., Director, Goliad County (Texas) Migrant Health Project (MG–114), Goliad Project for Handicapped Children, Box 53, Goliad, Texas 77963.

A, B—D. M. Shelby, M.D., Director, Gonzales County Migrant Health Project (MG–115), Gonzales County Medical Society, Gonzales, Texas 78629.

A, B—Jose L. Gonzalez, Director, Laredo-Webb County Migrant Family Health Project (MG–42), Laredo-Webb County Health Department, 400 Arkansas Avenue, Laredo, Texas.

A, B—David M. Cowgill, M.D., Director, Technical Assistance in Developing Techniques and Approaches to Health Problems Associated with Seasonal Farm Labor in Public Health Education, Sanitation, and Public Health Nursing, Countywide (MG–46), Lubbock City-County Health Department, 1202 Jarvis, Lubbock, Texas.

A, B—Carl P. Weidenbach, M.D., Director, Hale County Migrant Health Service (MG–37), Plainview-Hale County Health Department, 10th and Ash Streets, Plainview, Texas.

A—Mrs. Helen V. McMahan, Director, Yoakum County Migrant Health Service Project (MG–113), Yoakum County Commissioners, Yoakum County Courthouse, Box 456, Plains, Texas 79355.

A, B—Roy G. Reed, M.D., Director, Calhoun County Migrant Health Services Program (MG–95), Port Lavaca-Calhoun County Health Unit, 131 Hospital Street, Port Lavaca, Texas.

A, B—Dr. John R. Copenhaver, M.D., Director, Cameron County Migrant Health Project (MG–97), Cameron County Health Department, 186 North Sam Houston Boulevard, San Benito, Texas 78586.

A, B—Hon. Tom H. Neely, Director, Hudspeth County-Dell City Migrant, Hudspeth County Commissioners' Court, Hudspeth County Court House, Sierra Blanca, Texas.

A, B—H. A. Rickels, Director, Spur-Dickens County Health Service Project (MG–110), Spur City Aldermen, City, Post Office Box 356, Spur, Texas.

A, B—B. Oliver Lewis, M.D., Director, Southwestern Texas Health Department Migrant Project (MG–44), Southwestern Texas Health Department, Headquarters, Post Office Box 517, Uvalde, Texas.

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[1] Address of the project director is as shown. However, the sponsor in each case is South Carolina State Board of Health, J. Marion Sims Building, Columbia, South Carolina 29201.

A, B—Pedro Ramirez, Jr., Director, Zapata County Migrant Health Project (MG–100), Zapata County Commissioners' Court, Post Office Box 272, Zapata, Texas.

UTAH

A, B—Robert W. Sherwood, M.D., Director, Utah Migrant Health Service (MG–98), Utah State Department of Health, 44 Medical Drive, Salt Lake City, Utah 84113.

VIRGINIA

A, B—J. B. Kenley, M.D., Director, Migrant Health Project—Virginia (MG–41), Division of Local Health Services, State Department of Health, Richmond, Virginia.

WASHINGTON

A, B—Dr. Phillip Jones, Director, Whatcom County Migrant Health Program (MG–132), Bellingham-Whatcom County District Health Department, 509 Girard Street, Bellingham, Washington 98225.

A, B—Ernest Kredel, M.D., Director, Health Services for Migrant Workers in Puyallup-Stuck Valley (MG–19), Tacoma-Pierce County Health Department, 649 County-City Building, Tacoma, Washington 98402.

WEST VIRGINIA

A, B—R. C. Hood, M.D., Director, Migrant Health Project (MG–123), Berkeley-Morgan County Health Department, 209 East King Street, Martinsburg, West Virginia.

WISCONSIN

A, B—Mrs. Clayton S. Mills, Director, Migrant Medical Aid Program (MG–75), Catholic Diocese of Madison, Guadalupe House, Elm Acre, Endeavor, Wisconsin 53939.

A—Mrs. Al Lambrecht, Director, St. Joseph Migrant Family Health Clinic (MG–129), St. Joseph Hospital, 707 South University Avenue, Beaver Dam, Wisconsin 53916.

A—Mrs. Mary Ann Minorik, Director, Waushara County (Wisconsin) Migrant Health Clinic (MG–130), Waushara County Committee for Economic Opportunity, Box 310, Wautoma, Wisconsin.

Mr. WILLIAMS of New Jersey. Mr. President, at present only an estimated one-fourth of the total migrant population has access to Migrant Health Act project services. There is, therefore, an urgent need for increased Federal appropriations if we are to provide for the expansion of present project services to provide adequate coverage for the migrant worker and his family. Such expansion will add to the value of diagnostic service now offered and will make possible the funding of new projects where they are needed now. An increased number of health projects, both in home-base areas and in communities along the migrant stream, are needed so that the migrant family will have the opportunity for uninterrupted clinical service.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2688) to extend and otherwise amend certain expiring provisions of the Public Health Service Act for migrant health services, introduced by Mr. WILLIAMS of New Jersey (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

Mr. BYRD of West Virginia. Mr. President, on behalf of the distinguished Senator from Washington [Mr. MAGNUSON] I ask unanimous consent that, at its next printing, the name of the Senator from Hawaii [Mr. FONG] be added as a cosponsor of the bill (S. 2661) to amend the Public Health Service Act to provide for the establishment of a National Institute of Marine Medicine and Pharmacology in the National Institutes of Health.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MONTOYA. Mr. President, I ask unanimous consent that, at its next printing, the names of the Senator from Minnesota [Mr. MONDALE], the Senator from Delaware [Mr. BOGGS], the Senator from Texas [Mr. YARBOROUGH], and the Senator from Hawaii [Mr. FONG] be added to my bill (S. 2147) to clarify and otherwise amend the Meat Inspection Act, to provide for cooperation with appropriate State agencies with respect to State meat inspection programs, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MONTOYA. Mr. President, this brings to 25 the number of our colleagues that have joined me in cosponsoring this measure. I ask unanimous consent that the names of all the Senators joining me in sponsoring S. 2147 be inserted at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The names of the Senators cosponsoring S. 2147 are as follows:

Senators ANDERSON, BARTLETT, BENNETT, BOGGS, BREWSTER, BROOKE, BYRD of West Virginia, CLARK, COOPER, FONG, HART, KENNEDY of Massachusetts, KENNEDY of New York, LAUSCHE, LONG of Missouri, MCGEE, MONDALE, MONRONEY, MORSE, MOSS, SMITH, TYDINGS, YARBOROUGH, YOUNG of North Dakota, and YOUNG of Ohio.

Mr. BYRD of West Virginia. Mr. President, on behalf of the senior Senator from Minnesota [Mr. MCCARTHY] I ask unanimous consent that, at its next printing, the name of the Senator from Alabama [Mr. HILL] be added as a cosponsor of the joint resolution (S.J. Res. 54) proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

The PRESIDING OFFICER. Without objection, it is so ordered.

TOWARD A LASTING PEACE IN THE EASTERN MEDITERRANEAN

Mr. KUCHEL. Mr. President, the world cannot allow another outbreak of conflict in the Near East. Three times in the past generation, Israel and the Arab nations have gone to war. Each time the issue has turned on the survival of one people as a nation. Each time the weaponry has been more sophisticated and deadly, the cataclysm more horrendous. Each time we have called on the United Nations to achieve settlement. And each time, so far, we have failed to achieve a lasting peace.

The next time, and God forbid that it should come to pass, the antagonists will probably have missiles, maybe with nuclear warheads. The instruments of war have been improved—if that is the word—to kill more people with greater rapidity, as they have become more easily available and far easier to operate. The pushbutton generation of nuclear missiles is not far away. Any nation, regardless of its technical ability, will be able to train a man to pull a lever, once a helpful technician from some "advanced country" like the Soviet Union, has tuned the guidance system, armed the warhead and aimed the missile toward the enemy nearby or far away.

Next time, Mr. President, it will be too late. The time is approaching when the fate of the entire world will depend on keeping perennial trouble spots like the Near and Far East from coming to the flashpoint. We now have an opportunity to reach a settlement in the Near East. There at last appears some disposition on the part of the nations of the Eastern Mediterranean to recognize the danger and to seek peace. Moreover, the long experience of the United Nations together with the clear interest of the majority of the world powers in avoiding conflict over the holy land are clear and positive factors.

In the past month, in the course of speaking engagements in the State of California, I have attempted to outline what I believe to be the essential guidelines of settlement. Two elements are clearly necessary. First, a series of agreements providing for diplomatic recognition, defensible frontiers, commercial and cultural relations between Arabs and Israelis, as well as free use of international waterways and, hopefully, cooperation toward economic development. Second, a system of guaranteeing through timely use of neutral force, those agreements, once reached.

Mr. President, I ask unanimous consent that two speeches which I recently gave in California outlining these proposals be placed at the conclusion of my remarks in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. KUCHEL. Let me state briefly what I propose. The settlement between the peoples of Israel and the Arab nations must take full advantage of the historic, geographic and spiritually strategic position of the holy city of Jerusalem. The city must continue to remain united as the capital of Israel, providing through international agreement on administration of the holy places, a center of world harmony for all who honor that hallowed ground. Jerusalem offers today, as it did in the time of Our Savior, a unique meeting place for the commerce and culture of Palestine and of the entire eastern Mediterranean. It could provide, by means of a customs-free access to the sea, an open door for Arab commerce, and a meeting point to exchange ideas of all kinds, technical, political and artistic. Reunited and flourishing, it would draw visitors and revenue from the entire Western World.

Any agreement on territory, whatever it may be, will require for some years to come the guarantee of a neutralizing force to prevent major border clashes to assure one side against attack from the other. Decades of hostility will not pass overnight. There is need for a

friendly policeman. I suggest it is high time for the creation of an international peacekeeping force under the United Nations to meet this need. Using the increasingly powerful observation capabilities of an artificial satellite this force could gain ample warning of large-scale troop movements. With airborne troops provided by acceptable donors, such a force, under U.N. command, could be based at a nearby, neutral point, like the island of Cyprus where their very presence would be an added boon to stability.

These suggestions might seem fanciful to those who continue to do their thinking in yesterday's world. But tomorrow is too soon and too frightening for our great Nation not to dare to contrive the necessary devices of peace among men. The holy land is the place to start.

EXHIBIT 1

THE VISION OF HOPE: A NEW JERUSALEM

(Partial text of remarks by U.S. Senator THOMAS H. KUCHEL before the Professions & Finance Group of the City of Hope, Beverly Hilton Hotel, Beverly Hills, Calif., October 22, 1967)

I deem it a great honor to be here this evening. I share your deep concern for the human condition, and I am pleased to have this opportunity to speak briefly with you about the hopes and fears of our world in this era of exploding change and of almost constantly expanding horizons. The persistent advance of the City of Hope, reaching out to increasing numbers of men and women in Southern California, and throughout the world, is testimony of the indomitable good will of its membership and of your determination to put scientific achievement at the service of mankind. Your insistence on the sanctity of the individual, his right to life and freedom, to dignity and to equal treatment, bespeaks the very heart of the American philosophy. The City of Hope has opened its doors to all, regardless of creed, status, origin or pocket book. Your determination to deal equally with rich and poor, the humble and the high, fully expresses the best teachings of our common culture.

The selfless human effort, exemplifies a kind of wisdom that is all too rare in our society today. You dare to hope, when many others, out of fear and cynicism, have despaired.

I have read with deep interest of the achievements of the City of Hope in developing chemical agents which will help in the treatment of epilepsy and other convulsent diseases. These discoveries resulted, in part, from unrelated research connected with protection of workers in our aerospace industry. It is an exciting example of human ingenuity profiting from the increasing interplay among the growing scientific community here in California. It demonstrates in real terms, what we all feel to be true, that, here in our State, the phenomenal growth of human knowledge has put us at the frontier of the modern world. Men and women in California are meeting challenges and finding opportunities which other societies will not experience for years to come. What we do here will have a critical impact on the future of all mankind.

Through its contributions in mass communications, in motion pictures, radio and television, California has changed thought patterns throughout the world. So, too, will its advances in electronics, aero-space, high-energy physics, and medical science. I am proud that the human dimension, as shown in institutions like that which we honor tonight, has been given due emphasis. Never before have men held so much power over nature. This is an awesome force, and we must bring it out of the shadow of fear into the light of human progress. You are not going to stop progress—or change—for that matter. Science is going to continue unlocking doors and making great new discoveries, and the rest of us had better get along with the growing need to improve ourselves and strengthen whatever virtues the human race has been able tenuously to acquire. For all the newly found powers over nature—for good or for evil—are going to be in human hands to utilize.

The work on epilepsy underscores an essential point—advance in the modern world is a product of many minds, many views, and many elements of knowledge all working together in common service to mankind. This joining together of thought in free association is the bedrock of our American system, of our democracy.

Our own traditions of behavior drawn from the teachings of many great religions have helped to build a peculiarly American sense of common values, of individual dignity, human rights, free give and take and fair play. These are a product of our Judeo-Christian culture. They are enshrined in our proudest national documents—in the Declaration of Independence, the Constitution, in the Biblical cadence of Lincoln at Gettysburg. These origins are distant. They reach to the source of what we call Western civilization. They trace back to the stone passages, the Temple walls, the aged olive trees of the still-living, sacred city of Jerusalem.

Last fall, together with my wife and other members of the American delegation to the 1966 session of the Interparliamentary Union in Teheran, I wandered through the teeming, timeless streets of the Old City. I paused, in awe, and for a long time, in the Dome of the Rock, where we are told Abraham brought his son Isaac for sacrifice to the Lord. No American with any sense of history can escape the overwhelming vision of human struggle and aspiration and the inspiring faith in a Supreme Being which remains palpably etched in the ancient stones and holy sites which remain. Our common culture, though drawn from many parts, has a central origin in the teachings of this great mystical, ancient city.

Jerusalem was divided when I visited there. It is not divided today. It must now, I think, remain united—united not merely as the capital of a thriving state of Israel, but as a living joyous center for the celebration of harmony in our Western world. Jerusalem remains the city of hope for Christian, Muslim and Jew. Its division has been, for the past 19 years, a symbol of despair for the establishment of peace on this earth. Its unity now ought to give rise to new possibilities for brotherhood. We all have a stake in that cause.

As a member of the United States Senate and an American, I strongly believe that the continued unification of Jerusalem, both as the capital of Israel and as a world religious center, must be a cardinal objective of the foreign policy of the United States. On June 5, 1967, I was the first member of the Senate in those first anxious hours of this summer's conflict to address the Chamber and call for a settlement recognizing Israel's right to live in peace and freedom. And I pointed out shortly thereafter that any such settlement must recognize the Israeli claim to a unified Jerusalem as its capital.

Reunited, Jerusalem is now, as it was in the time of David, the key to stability in the Holy Land. It lies athwart the rugged Judean hills between the fertile Plain of Sharon and the Valley of the Jordan. Since earliest times, it has stood astride major trade routes to the Arabian hinterland. It has been a meeting ground for the peoples of Palestine. But for the past two decades, it has, alas, represented cleavage and hostility. It is therefore today a proper place to begin to repair the peace of the Near East—to remove that area from conflict between East and West.

For reasons not readily apparent, there has been little definition in America's policy in the Near East. America has, to a large extent, carried water on both shoulders in what Administration leaders have called an "even-handed policy".

The job of a great world power is not to play cat and mouse with the destiny of peoples. The recent conflict has shown that the people of the United States believe overwhelmingly that they have a direct commitment to the safety, integrity and prosperity of the people of Israel. In my opinion, the United States has erred in trying to conceal that point from the Arab nations, friendly or otherwise. We have permitted the so-called Palestine problem to move us, rather than striking the firm position, which the people of the United States insist we take. This has been no service to our diplomacy, to Israel, or even to our few remaining Arab friends. We have, by our unwillingness or our hesitation to proclaim our stand, given unwitting cause to continued Arab emotionalism and hostility.

The time has surely come to make our position unmistakably clear. This is not to imply that America has no role to play among the Arab peoples, nor that they should be abandoned to the socialist camp. In the long run, nothing would be more harmful to the interests of Israel, the United States, and of world peace. Despite the shrill propaganda of some of their leaders, there are some realists in the Arab world. It is to our benefit to encourage them and to bring them to the negotiating table, and most important, to seek assiduously to bring their peoples together with the people of Israel in mutual understanding.

In this cause, the city of Jerusalem will again play a major role. It occupies once again a strategic crossroad. In this Holy City we all have a continuing concern, as communicants and seekers of truth. The Israeli government has announced its interest in working with the Vatican on administration of the Holy Places. It has already signified that it will adhere to its longstanding policy of placing them under international control.

An avowed and accepted international interest in Jerusalem would make it a drawing point for peoples all over the world. The benefits to be derived from this would redound to the whole region. Even before the conflict of last June, the anemic economy of Jordan had learned to profit from the tourist trade, and had done so despite the ridiculous rigamarole associated with the Mandelbaum Gate—now, thankfully, passed into history. With the free movement of people which a real peace would bring to the Near East, that traffic would increase many times. Certainly, there is no question that under the present arrangement more people will be able to visit the Holy Shrines than ever before. An intelligent policy on the part of Jordan, Egypt and Lebanon, if that is not too ephemeral to contemplate, would extend those benefits to the entire Eastern Mediterranean.

But it is not simply a tourist economy that would flourish after a true peace in the Holy Land. Large sections of the Arab world, particularly Jordan and Southern Syria, have been closed off from access to the sea. This folly of Arab intransigence has diverted large quantities of trade through the Port of Beirut which ordinarily would have passed through Haifa, Gaza, and Jaffa. It would be to the advantage of all residents of the Holy Land to establish a free market to Jerusalem for Arab produce, both agricultural products and handicrafts. This would provide immediate advantages of a greater market to both sides. Combined with free access to the sea and a customs zone at one of Israeli's teeming ports, the Arab hinterland would find a strong pull of self-interest toward continued peace and understanding with the people of Israel.

I have long believed that the self-interest

of the peoples of the Near East was the principal force that would bring them together in the peaceful existence which we all devoutly desire. Arab produce has an ample market in the growing industrial economy of Israel. Israeli technology has much to offer the Arabs. Such an exchange, incidentally, would redound to the great advantage of the United States. It would not only reduce the need for aid grants but would put Arab development on a long run, self-sustaining basis. Some years ago it was the claim of Tel Aviv that it had more doctors per capita than any other city on earth. No similar statistics come readily to hand from Amman or Jedda, but is evident that the situation is far from the same. Indeed, the Arab need for modern knowledge can be nowhere better filled than by a people whose homage to human wisdom is second to none.

As a Californian, and ranking Republican member of the Senate Interior and Insular Affairs Committee, I am particularly intrigued by the possibilities of the Eisenhower plan for joint development through nuclear energy of the water resources of the area. Religious, racial, and national conflicts in the Middle East are, themselves, a symptom of the staggering difficulties of life in a harsh, desolate and arid portion of the world.

More than ten years ago, President Eisenhower determined to help alleviate these frightful shortages of food and water. He sent his personal emissary, Eric Johnston, to the area to try to bring the Arabs and the Israelis into agreement on a comprehensive plan for the development and allocation of the waters of the Jordan River. Regrettably, that effort failed, but the idea of cooperative water resource development in the Middle East did not die.

This summer, former President Eisenhower and his Atomic Energy Commission Chairman, Admiral Lewis L. Strauss, proposed a daring new approach to bring water to the Middle East. The Eisenhower-Strauss proposal would locate three massive dual-purpose nuclear powered desalting and electric power generating plants in the Middle East. Two plants would be located on the Mediterranean coast of Israel, the other at the northern end of the Gulf of Aqaba in Jordan or Israel.

Earlier this year, both Houses of the Congress approved, and the President signed into law, my bill to allow the Department of the Interior to participate financially in the construction of a 150 million gallon per day desalting plant off the coast of Orange County in Southern California. The Orange County plant is about fifty times larger than any desalting plant operating in the world today.

The first stage of the bold Eisenhower-Strauss proposal will be a 450 million gallon per day plant; three times larger than the one authorized for Orange County. This first plant would produce electric power far in excess of the present needs, but industry and prosperity would quickly follow the availability of abundant water and power.

Technical problems undoubtedly exist, but they should not bar a serious attempt to implement the Eisenhower-Strauss proposal. The Senate Foreign Relations Committee now has pending before it a resolution, of which I am a co-author, to put this plan into action. The Eisenhower-Strauss plan would provide jobs for refugees, would increase the productivity of desert wastelands, and would give Israel and the Arab governments a common basis for cooperation.

Indeed, the possibilities for future development of what once a wandering people called the Land of Milk and Honey are almost boundless. As we who live in the equable, but semi-arid, climes of Southern California know, the soil can produce unbelievably once water is available. All of this requires cooperation and understanding, trust and comprehension. It cannot be done without establishing a deep conviction that the long run interests of Arabs and Jews in the Near East are joined and not antagonistic.

In the effort to achieve understanding the arrangements for Jerusalem are absolutely crucial. To each religion Holy Places of the other are sacred. In Hebron the tombs of Abraham and Isaac are sealed, in the custom of the Muslim tradition. They are patriarchs to Islam as well as to Jews and Christians. At least four Christian churches claim dominion over the Church of the Holy Sepulcher. The rock where Abraham offered to sacrifice Isaac is part of the Mosque of Omar. There are now differences of opinion over the administration of the Wailing Wall. Any one of these problems would be a political hot potato of the first magnitude in our country. The Government of Israel will need help in meeting each problem, and, probably would seek broad support for the administration of these areas. Certainly, it has given every indication that this will be the case.

The peace and security of Israel must remain a major concern of America and her people. In Jerusalem, and its great treasures of history, lies the Holy Grail of this noble cause. If men of all faiths are able to pray together in Jerusalem again, the city will inevitably become the center of understanding in the Near East. With wisdom, foresight and courage, that understanding may bring the peace men have long been seeking, not merely for Israel, but for all the world.

The Progress of Human Brotherhood in the Last Half Century

(Partial text of remarks by U.S. Senator Thomas H. Kuchel, before the Israel Bonds Organization, northern California area, Fairmont Hotel, San Francisco, Calif., November 5, 1967)

I am deeply honored to accept this high award bearing the name of a great American humanitarian and statesman. The late Herbert Lehman was my friend and colleague. His wit, intelligence and warmth live on and they occupy a special place in my memory. He will long be honored in the history of our country as a crusading Governor of the Empire State, a guiding spirit in the world-wide effort to rebuild devastated Europe at the close of the Second World War, and an undaunted and outspoken member of the United States Senate.

Herbert Lehman was well ahead of his time. He saw the needs of the human heart and the human spirit as the aftermath of global conflict ushered us into a startling new era. Together we served in the United States Senate and fought side by side in many battles where the rights of people were involved, battles to achieve equality of opportunity for all, battles against disease, battles to bring our national resources to bear on the problems of the aging and the aged. He will long be remembered for his deep interest in eradicating the scourge of infantile paralysis from our society. A dozen years ago, he authored the Senate Resolution providing the means by which the Salk vaccine was made available to the people of our nation. And close to his heart, as an American, he was earnestly devoted to the cause of a free and flourishing state of Israel. His was a concern for people, for justice, and for the right.

My fellow Americans, in the past 50 years the earth on which we live has witnessed vast and unbelievable change. There has been a quantum jump in the problems of the human race, including the very problem of survival. Unfortunately, the countervailing increase in added wisdom or new devices to deal with them has not kept pace. Alas, human virtue does not grow as fast as scientific discovery. But we have learned much from men like Herbert Lehman. Our experience has shown us clearly that free nations need each other, that we progress when we act in concert. Conversely, we fail when we seek to withdraw in isolation. For the days of isolation, of living alone on this globe, are gone.

In my early days in the Senate, Herbert Lehman and I served on the Committee on Interior and Insular Affairs. It was added evidence of his interest in conservation, for he was, indeed, an ardent conservationist. He was keenly devoted to the preservation of the resources of this country and of our great natural and aesthetic treasures. My theme tonight concerns the progress of the past half century. There are many important milestones. Next year California will be celebrating the 50th Anniversary of the Save-the-Redwoods League, which brought forth the concept of preserving our majestic groves through private philanthropy. Herbert Lehman staunchly believed in these labors. Were he alive today, he would count as one of the achievements of this year, 1967, the progress made in the Senate, when, last week it overwhelmingly adopted an excellent piece of legislation, from his Interior Committee, establishing a Redwood National Park in Northern California.

This is one of the hopeful signs. The redwoods share with the ancient olive trees of Jerusalem the unique and moving distinction of continuing their existence through all of the past two thousand years, since the time when leaders of the Roman Empire caused the most cruel dispersion of the peoples of Palestine. Through all of the tempestuous, intervening centuries, the trees in Gethsemane and here in California have stood as living sentinels of hope for better times, and for a deeper aprpeciation of the miracle of Creation and of eternity, and for the resurrection of the good name and good deeds of the children of the Lord.

I recall one more half-century celebration. Fifty years ago, on November 2, 1917, the leaders of another far-flung empire proclaimed in a now historic document that it "viewed with favor the establishment in Palestine of a national home for the Jewish people." The Balfour Declaration bore witness to a growing conviction in the Western world that the return of the peoples of Israel to their home in the Holy Land was an article of deep and abiding faith, and an essential element in human progress.

The American people have wholeheartedly supported this movement. In 1891, President Benjamin Harrison received a memorial calling for the creation of the new Israel. In 1922, the Congress of the United States adopted a resolution introduced by Senator Henry Cabot Lodge, Sr., of Massachusetts favoring "the establishment in Palestine of the national home for the Jewish people." In 1944, my own Republican party and the Democratic party incorporated this goal in their national platforms. This has been a bipartisan cause of all of the people, and shall so remain.

The State of Israel was formed in the aftermath of one of the bitterest conflicts in human history. The world has not yet been able to comprehend the full horror of the sufferings of the Jewish people of Europe. The creation of Israel was an act of atonement by those who would build a new world, hopefully created on the principles of equality, brotherhood and the noble freedoms which are at least designed to set man apart from beast, and to give him the chance to vindicate his creation in the image of the Lord. Our relationship to the people of Israel has a deep meaning in the American spirit. The Psalm states:

> "Except the Lord build the house,
> They labor in vain that built it.
> Except the Lord keep the city,
> The watchman waketh but in vain."

So, too, my fellow citizens, it is with the world. The resolutions of the problems of the human race are far more of the spirit than

of the flesh. The peace of this earth is ultimately dependent on the divine hope of brotherhood and on its extension as a working principle in the behavior of nation states.

The last 50 years have not all been marked by progress in this quest. The vast surface of Eurasia has been the host of a new doctrinaire and materialistic view of life discounting the force of human initiative, mocking the spirit of equality, and destroying brotherhood among peoples who have long sought freedom. This is the 50th year of the creation of the Soviet Union. There is no freedom for the Jews of that nation today—nor has there even been—for those who in past years have given so much for their motherland. Their religious observances are stifled by administrative decree, and their hope to return to the land of their forefathers has been systematically frustrated and betrayed.

I am not here this evening to exercise the spectre of atheistic Communism. But, I must state frankly, that those who live on this side of the world need to look to friends and to allies not only for mutual protection, but for the necessary energies and inspiration to achieve at least a rudimentary system of world security. This must be made not only of firmness and conviction, but of compassion and understanding. At the end of the Second World War, when the human race had been horrified by the ravages of global conflict, there arose like a phoenix from the ashes, a bright new confidence that peoples could join together in reason and, using the processes of debate and deliberation, amicably settle their differences. Here in the City of San Francisco, this hope gave rise to the Charter of the United Nations. But that great "Town Meeting of the World" was not enough. I am a devoted supporter of the United Nations, but the miracles we hoped it might achieve did not come to pass. The need for collective security among free nations soon called forth the North Atlantic Treaty Organization, a military defensive system against potential Soviet aggression. A new chapter in American foreign policy began to unfold. For the first time in our history, we began to agree, in advance, to come to the aid of a friend. Other agreements were later made across the globe. These arrangements were not only military; they sought to find a basis for arms control agreements, and to advance the cause of peace through economic development, in a lasting solution of the age-old ills of pestilence, famine, and forlorn poverty.

This, too, was a bipartisan effort. I recall with great pride one of my illustrious predecessors, Senator Arthur Vandenberg from Michigan, who spoke out two decades ago to bring to our country a clear understanding that there must be an interdependence among free peoples, that the United States could not—cannot—"go it alone." But the great hopes for world-wide security, so bright in the aftermath of the Second World War under men like Winston Churchill, Dwight D. Eisenhower, and John F. Kennedy, have paled into disillusionment. France's De Gaulle, Egypt's Nasser, and other narrow nationalists, refuse to accept the principle that one people's freedom is in pawn to another's safety.

In this nuclear age no one nation can stand alone against all comers. Ours is an interdependent world.

Once we lived in the secure protection of the dividing oceans, two vast moats separating us from any potential foe. Today, any city on earth can be largely obliterated within moments by the flick of a finger. And logic or reason are not necessarily a part of the process. The order for the flick may come from either a reasoning or unreasoning mind.

Militarily, the United States is more powerful today than at any time in her history, but she has less security than ever before. That is the supreme paradox of the nuclear age. The discoveries of science, and the streaking speeds of transportation and communication with 12,000 mile per hour intercontinental ballistic missiles have effectively and permanently eliminated the idea of living alone. Isolation is all gone and nothing can bring it back. Whether we like it or not, we are all, American and Russian, Chinese and French, Israeli and Arab, ultimately in hock to the reasoning process of a relatively small number of people who control the levels of power in the bastions of the expanding memberships in the nuclear club.

All nations who value their independence have a common interest in and a responsibility for the defense of the free world. But, today the concept of collective security, so hopefully unveiled as a sound deterrent to war, is in a sad state of disrepair.

Not only has that interdependent system been weakened, but the United Nations has far to go to fulfill the promise which attended its birth. There is no area of the world in which the United Nations has more experience than in the Near East. It was the midwife at the birth of the nation of Israel. The United Nations has for nearly two decades maintained supervisory activities along the border of Israel and her neighbors. With substantial American assistance, a United Nations relief and works agency has continued to feed thousands of homeless refugees, whom the Arab nations would not absorb. These issues remain unsolved and seemingly insoluble.

The difficulties which beset the United Nations are a reflection of the disunity among world leaders. In my view, the realistic hope for peace in the Near East depends on a firm commitment of the so-called "Great Powers," the United States, the Soviet Union, and the nations of Western Europe as well. Without this commitment to a stable peace in the Near East by all protagonists in the present precarious balance of world power, that region will continue to be a cat's paw for nationalist adventurism. The Near East remains the crossroads of civilization between Europe and Asia. The Suez Canal is as important to the economy of the Soviet Union as it is to Great Britain—and as it ought by international law to be to Israel. No settlement which permits discrimination in the uses of that waterway or fails to open free communication among all the peoples of that area is likely to endure.

As the ten-year history of conflict between Israeli Defense Forces and those of the Arab states surrounding them has shown, there will be no victory for Arab nations bent on the destruction of Israel. Little groups of willful leaders, putting their hopes on shiny new weapons, readily supplied by Communist Eastern Europe, threaten the world with the horror of global war, without so much as a "by your leave" to the rest of us. But the complete rout of the Arab Army in the deserts of Sinai, for the third straight time, ought to provide a severe and instructive lesson. The Arab leaders must learn that peace will not come to the Near East by recourse to war nor by recurrent demands for the destruction of Israel. Israel is a political, economic and geographical fact of life on earth.

The Arab nations must know too that their aims cannot be achieved simply by acquiring modern arms. The Soviet Union has attempted to turn the Near East into a battleground of the Cold War. But the arithmetic must be equally clear to them. It has cost nearly $2 billion in Soviet arms to the Near East and, with recent shipments, that cost is rapidly going up. Both the Arabs and the Soviet Union surely recognize the failure of their last adventure. Certainly, the Arabs and the Soviets must begin to realize that neither they nor the rest of the world can afford a crisis in the Near East every decade.

The world is growing restive under the continued pressure of the division between the Communist and the Free. But that does not alter the hard fact that no agreement on the Near East can be enforced by the United Nations, or by anyone else, unless all interested nations, and surely the super powers, are committed to such an agreement and take responsibility for its enforcement.

That is not going to be easy to achieve. Old alignments are falling away. Our once gallant ally, France, now views the situation with a combination of glacial indifference and commercial opportunism. The Communists too have their problems. Rumania shows an unaccountable independence. She has rightly refused to join in parroting Moscow's condemnation of Israel. Similar grumblings have been heard in other parts of Eastern Europe.

It is now doubly important that we in the West keep together those of our allies who remain steadfast. The United States has a long-standing tie to the State of Israel. Americans acknowledge a direct commitment to the safety, integrity and prosperity of that country. In this, our people have been ahead of our government. In my opinion, the Administration has erred in trying to conceal that fact from the Arab nations, friendly or otherwise. We have allowed the so-called Palestine problem to manipulate us, rather than sticking to our position which the people of the United States insist we hold. This has been no service to our diplomacy, to Israel, or even to our few remaining Arab friends. We have by our unwillingness, or our hesitation to proclaim our stand, given unwitting cause to the Arab emotionalism and hostility.

The long-term solution to the Near East question requires, in my view, deep candor together with reason and frankness on all sides. It is comparatively easy to draw a balance sheet showing the interests of each protagonist and, by a simple mathematical process, to chart the prospective courses of negotiation. Geography does not change. Twenty years hence the peoples of Israel and of the Arab nations will be living, as now, side by side. It will always be in their common interest to live in peace.

The real Near East question, then, is why doesn't this happen? The United Nations has the experience and most of the necessary means of diplomatic communication and intelligence. The so-called "Great Powers" have every reason to avoid conflict. Finally, there are a few simple steps which could be taken to insure the maintenance of a settlement, once it is reached.

The textbooks today are full of commentaries on "neutralization" as a means of stabilizing crisis areas by taking those regions out of the contest between the so-called "Great Powers" and achieving a fair balance of forces between opposing sides. This solution can only be applied, however, when a mutual interest in settlement can be clearly perceived by all—and, most important, when each side recognizes that the other has more to gain by settlement than by chaos and conflict.

There are many who propose neutralization for Southeast Asia. This could, some years from now, be the final answer. But this possibility is far from reality. Neither the necessary scope of understanding, nor even the intent to communicate, now exist between Hanoi and the rest of the world. And some of the powers of the Orient, notably Red China, have yet to show that they have any interest in arranging a settlement. On the contrary, their determination to persevere on the battlefield is increasingly apparent.

There is also a communication problem in the Near East, but it is not so stubborn. Israel seeks peace and security. She needs defensible frontiers and the recognition of her right to use international waterways.

Finally, she will not, and cannot, be expected to part with the now unified City of Jerusalem. The Arab nations also need peace. They must at last overcome their irrational fears and they must acknowledge a crying need to turn swords into ploughshares in a determined effort to overcome centuries of poverty and ignorance among their own people. The more enlightened Arab leaders know this, but they seem to be afraid of their own propagandists and provocateurs, who for years have made their daily bread out of a steady diet of hopeless, vindictive polemics.

It may be too much to hope that peace might proceed without incident. Visible guarantees will be required. The one element long lacking in the arsenal of the United Nations is a permanent international peacekeeping force. Today, there is a need and an opportunity to create such a force in the Near East. The experience of the United Nations Truce Supervisory Organization, whatever its triumphs or its failings, is common to all concerned. Modern technology and the peculiar terrain of the Levant offer unique opportunities to provide instant intelligence affording a U.N. force the earliest possible warning of military movements.

Earlier this year, I proposed an artificial satellite to watch over the Holy Land to provide intelligence on large scale military movements in the area and to give a genuine advantage in guarding against surprise attack. Such a satellite could be built with the equipment used in our civilian lunar orbiter program. It would give a U.N. peace force and other elements on the side of peace an opportunity to take quick and effective action—in any case, it would be better than the hand wringing around the world which accompanied the outbreak of hostilities last June.

I would add to that proposal the possibility that an international force be created from airborne units assembled from forces of acceptable donor nations and given a permanent base in the Near East. Mobility is essential. A peace force must be able to put itself between opposing forces without delay. Airborne troops would be required. The satellite warning system would be on guard. The peace force would have every opportunity to act rapidly.

I propose that serious consideration be given to using such neutral ground as the Island of Cyprus for this purpose. The Island has long been a base for military activity in the Eastern Mediterranean. A U.N. force is already stationed on Cyprus to help reduce ethnic disturbances. A permanent U.N. presence would be a strong weight toward stability. It would act as a further guarantee of the independence of that strategic Island both in terms of tempests of the Near East and of the larger conflicts of the Cold War. It would bring an added measure of stability to the Eastern Mediterranean, and an opportunity for Cyprus to live in a true neutrality.

It is high time that the United Nations proceeds to the issues it was created to solve. A peacekeeping force in the Near East is essential. In my view, the rational nations on earth must recognize its necessity. The United States must play a leading role. It is vital to the Near East, to the United Nations, and to the entire world that we move now, effectively and with imagination, to build the devices that will guard stability and prevent conflict. The Holy Land ought properly to be the first beneficiary of what ingenuity we can offer to the cause of peace among men. If, in the past fifty years, we have failed to keep up with the proliferation of man's problems, it is because we have failed to apply our creative spirit with full vigor. We have delayed too long. Too many costly battles have been fought and refought without hope of achieving an end to bloodshed. The time to act is now, while the opportunity for settlement is at hand.

The American people believe deeply in peace—no matter what our critics abroad may say to the contrary. We, all of us, Americans and Europeans, the Communists and the Free, must find common ground in forging the implements of international settlement, and making them stronger than weapons of war. Israel and the United States are nations which clearly perceive the importance of that cause; they must now act in concert toward this goal.

There is in the City of Jerusalem, which was divided when I visited it a year ago with my family, a new spirit. That city must now remain united—not merely as a capital of the thriving State of Israel, but as a living and joyous center for the celebration of the harmony of our world. It is a city of hope for Christian, Muslim and Jew. Its division for the past 19 years has been a symbol of despair for peace on this earth. And its unity now as the capital of Israel, and a world center of international religious activity should open a wide door to understanding among all peoples who acknowledge a common legacy from that hallowed place.

We seek harmony among nations as we seek brotherhood among men. The experience of the past 50 years has brought a fuller realization of the frightening problems of our time. But I firmly believe that the maturing relationship between the United States and the people of Israel can stand as a hallmark of international commitment which all peoples must give to one another, if man is to endure and thrive.

SOCIAL SECURITY AMENDMENTS—WELFARE PROGRAMS NEED HUMAN TOUCH

Mr. HARRIS. Mr. President, I rise at this time to complete the legislative history of two amendments to H.R. 12080, which were sponsored by me and other Members of the Senate, and which were adopted in the Committee on Finance. The amendments to which I refer are amendments Nos. 400 and 401.

Mr. President, I wish to incorporate at this point, by reference, excerpts from the RECORD of previous sessions which show other statements I have made concerning these amendments. Originally, when the amendments were submitted, I made a statement which is contained in the CONGRESSIONAL RECORD of October 16, statements by me concerning and explaining these amendments are contained in the CONGRESSIONAL RECORD in the pro- 1967, beginning at page 28920. Other ceedings of October 20, 1967, October 23, 1967, at page 29674, October 26, 1967, at page 30189, and October 31, 1967, at page 30647.

Mr. President, I believe these two amendments will bring about great improvements in the present welfare systems of our country.

Amendment No. 400, which has the endorsement of the National Association of Social Workers, Inc., and also the National Association of Counties, makes provision for the State plan of each State to provide for the recruitment, training, and effective use of community service aides and social service volunteers in their welfare programs.

It is intended that particular effort would be made to use men, and not just women alone, as community service aides. It is intended also that these community service aides would be recruited primarily from the poor and those who would otherwise, except for their salaries under such programs, be recipients of welfare, to work in the communities in which they live. These people will be far better able to communicate with the welfare recipients, better able to explain public assistance and other community programs to them, and better able to help those who administer State public welfare programs make such programs most effective and most helpful.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HARRIS. Mr. President, I ask unanimous consent that I may proceed for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARRIS. Mr. President, the amendment also provides for the use of social service volunteers on a nonpaid or partially paid basis. It is intended that these volunteers, in addition to coming from the more affluent segments of American society, would come also from among the poor themselves.

This amendment would be effective January 1, 1969, a date which was changed in committee. I wish to point out that the date was changed only because some legislatures will have to meet in 1968 in order to change their basic law under the State welfare system plan.

It is certainly my intent and the intent of the other sponsors of the amendment that we would not have to wait until that date to implement the program, but that the States and the Department of Health, Education, and Welfare would move rapidly ahead to do so as soon as possible.

JOHN BARRETT DAY PROCLAIMED BY GOVERNOR OF VERMONT

Mr. AIKEN. Mr. President, one of the more important international organizations of which the United States is a member is the Organization of American States. The predecessor of that Western Hemisphere organization was the Pan American Union. The prime mover in the Pan American Union was Dr. John Barrett, who was born and raised in the town of Grafton, Vt., which incidentally happens to be the town in which both of my parents were born and raised.

Mr. President, November 28 will be designated tomorrow by Gov. Philip H. Hoff, of Vermont, as John Barrett Day, and there will be an observance in the town of Grafton, Vt.

I ask unanimous consent to have printed in the RECORD a paper prepared by Dr. Vernon Reyman, of Grafton, Vt., who is the chairman of John Barrett Day, which sets forth the life of Dr. John Barrett and the story of the organization of the Pan American Union.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

A PAPER PREPARED BY DR. VERNON REYMAN, GRAFTON, VT., CHAIRMAN OF JOHN BARRETT DAY

JOHN BARRETT (1866-1938)

November 28 has been designated by Hon. Governor Philip H. Hoff of Vermont as John Barrett Day.

To set aside this day is not only fitting and proper in view of the trip made by President Johnson to Punta Del Este, Uruguay last April, hopefully, to breathe new life into the Alliance For Progress and to promote Latin American economic cooperation, but this day seems even more significant because of the man who had so much to do with the successful beginnings and development of Pan-Americanism.

There stands in Grafton, Vermont opposite the Old Tavern, where the road leads to Townshend and Newfane, a large impressive white house in front of which stands a granite rock on which a plaque silently says:

John Barrett, Diplomat and Builder of the Pan American Union, born here November 28, 1866.

Hon. John Barrett was not only born in Grafton, Vermont but his deep love and affection which "bound him to family and to place" has always been an integral part of his life. He attended the village school, then Vermont Academy, graduated Worcester Academy in 1884 and received his AB from Dartmouth College in 1889 which college among others later bestowed upon him an honorary LLD degree for his "long and distinguished career".

After college he taught in California only to take up newspaper work and for four years on the Pacific Coast he was convinced that the development of trade with the Orient "was a sure means of prosperity."

Before the age of 30 President Cleveland appointed him Minister to Siam from 1894–98 settling American claims worth millions of dollars by arbitration and "to the satisfaction of all involved."

During the Spanish American War he worked for a chain of American newspapers in the Far East as their foreign correspondent and at the close of the war he accepted an appointment as delegate to the Second International Conference of American States in Mexico City in 1901.

This was followed in 1902–3 by a trip around the world to secure most countries representation and participation in the St. Louis Exposition. After this mission was completed his Latin American interests were aroused. He entered the diplomatic service in 1903–4 serving as Minister to Argentina and then first Minister to Panama (1904–5). Theodore Roosevelt transferred him to Colombia to settle our controversy with that country over the Panama Canal. President Roosevelt at first suggested several others to President Rafael Reyes but the latter wanted Dr. Barrett with whom he had "good relations".

Secretary of State Elihu Root met Dr. Barrett in Rio de Janeiro in 1906 at the Third International Conference of American States, recognizing in him an enthusiastic and extremely able personality. This led to the appointment of Director-general of the Bureau of American Republics. John Barrett tackled this job in 1907 with vision and confidence. This set in motion 14 years of assiduous work among the South American republics culminating not only in the name-change at his initiative to the Pan American Union but it was also through his influence that Andrew Carnegie was persuaded to contribute generously to the building of the beautiful marble structure in Washington, D.C., now occupied by the Union and dedicated on April 26, 1910.

It was at that dedication that Andrew Carnegie praised the Director-General Barrett as "a man whose abilities to meet all emergencies has been truly surprising; nothing could shake his devotion to his mission and heart and brain was one in the cause."

It was Dr. Barrett who had entire charge and responsibility for the construction and maintenance of the building—a center for growing cooperation in the Americas advocating increased understanding for the Pan American cause and dedicated to "peace-friendship and commerce."

John Barrett held many distinguished high posts and in 1899 was commercial commissioner in China, Japan, Korea, Formosa, Siam, Cambodia, Java, India, Borneo and the Philippines.

He later presided over the First and Second Pan American Commercial Conference held in Washington, D.C., in 1911 and in 1919.

As a newspaper man in Manila he met and advised Admiral George Dewey of whom he wrote a glowing biography published in 1899.

Other books Dr. Barrett published include: Latin America, Land Of Opportunity (1909); the Pan American Union (1911); and Panama Canal, What is it, What it means (1913).

Hon. John Barrett resigned his post September 1, 1920 because of "material necessities" and devoting himself to speaking and writing on international topics.

In 1934 he married Mrs. Mary E. Cady of Burlington, Vt., who died in 1937. Dr. Barrett himself died October 17, 1938 at Bellows Falls, Vermont but is buried in the family plot in Grafton, Vermont.

United States Supreme Court Justice Field said of him "his (Barrett's) interpretation of the law and facts of the case reflected greatest credit."

Said Dr. L. S. Rowe, Director General of the Pan American Union "the passing of Dr. Barrett means an irreparable loss to the cause of Pan Americanism; for 30 years he labored to promote close relations between the nations of America; during 14 years as Secretary General he enlarged the functions of the organization and strengthened its usefulness to all republics in the Western Hemisphere; his example will be a constant inspiration to renewed effort in fulfillment of the great purpose to which he devoted his long and useful public career."

On November 2, 1938 the Governing Board of the Pan American Union passed a resolution to the above and transmitting a copy thereof to the United States Government and to the family of Dr. Barrett.

As Vermonters we have every reason to be proud of this man and as Graftonites we pay humble tribute to our native son and visionary.

PROGRESS IN VIETNAM

Mr. JAVITS. Mr. President, I invite the attention of the Senate to the struggle going on in Vietnam, which we have been inclined to overlook in the course of debate as intense as the one we had yesterday on a very different matter, and to the remarkable and most informative speech which we heard yesterday from General Westmoreland, commander of the forces of the United States in Vietnam.

There are two things that he said which are of unique significance to the country. He is the man on the job and what he says is what the United States can do and is doing, and not what others over whom we have no control say we can do. When General Westmoreland speaks of what we are doing and what we can do, it is critically important that we listen.

In his address to the National Press Club, General Westmoreland said that we will "use United States and free world forces to destroy North Vietnamese forays while we assist the Vietnamese to reorganize for territorial security."

The other point he made was that we will "turn a major share of frontline DMZ defense over to the Vietnamese Army."

Mr. President, the one thing irritating the American people most about Vietnam is directly involved in these two aspects of U.S. activities there; namely, what are the Vietnamese doing for themselves? What are the Vietnamese people doing? What is the Vietnamese Government doing? What is the Vietnamese Army doing?

We have been bedeviled for much too long with rumors and some statements of fact by authoritative newspapermen that the Vietnamese Army fights a five-and-a-half-day war, that it takes only safe positions, and that there is an enormous amount of incompetence in their army.

I know that some of them are very brave men, because I saw many of their units myself, a year and a half ago. They stand on a level with anyone's army—including our own. But a general feeling pervades this country that there is real weakness there, that they are not carrying their load, that, unlike the Republic of Korea troops, they are not growing and developing with the situation.

Mr. President, more and more the attention of the United States must be focused on that particular aspect of the subject. The people of this country—whether hawks or doves makes no difference—must insist that the U.S. Government, through its President and Commander in Chief, do all that it humanly can to fix the responsibility where it belongs; namely, upon the Vietnamese people, the Vietnamese Government, and the Vietnamese Army.

One of the most compelling reasons for phasing out in Vietnam, will be if that country does not show any inclination to carry its load.

Upon that question, there can be no dispute. We are not there fighting a colonial war. We are supposed to be helping them. We cannot help anyone who will not try to help himself.

Thus, when General Westmoreland says these two things, he is speaking very importantly in terms of the future interests of the United States and what the people all over this country want to see happen in Vietnam.

The PRESIDING OFFICER. The time of the Senator from New York has expired.

Mr. JAVITS. Mr. President, I ask unanimous consent to proceed for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I urge the President of the United States to address the American people in a joint session of Congress and lay out for them in detail exactly what General Westmoreland means. He should spell out to what extent we are going to require performance by the Vietnamese forces themselves, to what extent we are going to condition our continued activities in Vietnam upon that performance. In short, he should tell us what is really meant by the two portentous statements of General Westmoreland which indicate a very material strategic, and perhaps even tactical, realinement of the use of our forces and the use of Vietnamese forces in Vietnam.

No one expects that we can pull out of Vietnam tomorrow, even if all the

things we have urged here were to come to pass, even a cessation of the bombing. That would still be a bilateral situation; it is something the other fellow—the enemy—must take hold of and do, too.

Now, Mr. President, this much is within our control, not anyone else's; namely, the performance of the Vietnamese themselves. If we condition our activities there on this performance it could signal the beginning of the end of the war in Vietnam for the American people.

Mr. President, I urge our President—and I certainly urge Congress—to make this the line of policy for the United States. This is one thing we can get an agreement on, if nothing else. We are too sharply divided otherwise. But on this we can get agreement.

Mr. President, I shall speak to this time and time and time again, for as long as my breath will hold, because this is the key to the Vietnamese situation.

We now have the beginning, at the most authoritative level, in the statement of General Westmoreland himself to the National Press Club.

Mr. President, I ask unanimous consent that the remarks of General Westmoreland to the National Press Club be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Post, Nov. 22, 1967]

FINAL PHASE OF WAR IN VIETNAM BLUEPRINTED BY GENERAL

(Excerpts from the text of Gen. William C. Westmoreland's address to the National Press Club)

Let me review with you the enemy's situation and our own, and let me offer my estimate of our relative positions.

Since 1925, when Ho Chi Minh arrived in Canton, China, he had actively sought to gain control of the area known as Indochina. In 1930, the Indochina Communist Party was created with Ho Chi Minh as its chief. However, since that time, the cause and methods have been similar to those of other Asian Communist Parties.

Ho Chi Minh's Party came to power amid the chaotic conditions at the end of World War II. Although the present government of North Vietnam has taken a facade of democracy, it has remained under tight control of the same small, determined group of Communists who served Ho Chi Minh in the Communist Party in the 1930s.

By 1954 it appeared to them that they had overcome the last major obstacle to the original goal. A million people had been displaced from the North, and although they were fleeing communism, they created a burden on the new government of South Vietnam. For the next few years, the Communists believed that South Vietnam would succumb politically. These hopes were dashed by the vigor of the non-Communist government and by U.S. assistance.

REVERTED TO TERROR

In 1957 they reverted to terror, both indiscriminate and selective, with the assassination of teachers and local leaders. This terror rate went up every year. Despite that it did not succeed. So, to guerrilla terror was added the military buildup of Vietcong main force units from 1959. Even this was not enough.

In 1963 and 1964 there started the military invasion from the North, when the first North Vietnamese Regiments entered the South. This almost succeeded. By early 1965, the Vietnamese government found its resolution exhausted by a decade of struggle, and its last resources committed. It was at that point that the intervention of our armed forces restored a future to the long-suffering people of South Vietnam, who grasped the opportunity.

As you know, in the midst of war the South Vietnamese have in the past year held free elections, and have turned out a larger percentage of the vote than we normally do in this country. The Vietcong have tried desperately to stop these elections by terror and intimidation. But the Vietnamese voted despite the Vietcong efforts. This mass disregard of Vietcong initiatives killed the myth that the Vietcong or the National Liberation Front speak for the people.

It is significant that the enemy has not won a major battle in more than a year. In general, he can fight his large forces only at the edges of his sanctuaries, as we have seen recently at Conthien and along the DMZ, at Dakto opposite the Laotian border, at Songbe and Locninh near the Cambodian border. His Vietcong military units can no longer fill their ranks from the South but must depend increasingly on replacements from North Vietnam. His guerrilla force is declining at a steady rate. Morale problems are developing within his ranks.

SEEKS TO PROLONG WAR

Despite this, our enemy seeks to prolong the war, occasionally sallying forth from his sanctuaries, and attempting by his counter-sweep operations to regain control of the population and to rebuild his guerrilla forces. Of essential importance is his desire to force us politically to stop, unconditionally, the bombing of his support base and his lines of communication. He appears to believe that he can defeat the Vietnamese forces, over 600,000 strong and getting stronger, reinforced by over 50,000 troops from Free World Allies, and our commitment now approaching 500,000 men.

Our common plan with the Vietnamese has involved four distinct phases. In Phase I we came to the aid of South Vietnam, prevented its collapse under the massive Communist thrust, built up our bases and began to deploy our forces. In Phase I we planned and did the following:

Built ports, airfields, and supply and maintenance areas.

Set up a 10,000-mile-long supply pipeline.

Constructed an extensive communication system.

Brought in 400,000 men and several thousand aircraft.

Deployed troops throughout South Vietnam.

Learned to work alongside the Vietnamese army while encouraging development of a representative government.

Equipped and revitalized the Vietnamese armed forces, whose morale was low.

Expanded the armed forces of South Vietnam in quantitative terms.

Defended South Vietnam against defeat and against being cut in half.

Learned to cope with guerrilla tactics.

Set up an intelligence system for this new type of war.

Limited inflation.

Developed our own confidence that we could operate successfully in the environment of Southeast Asia.

BY MIDDLE OF 1966

We did all this by the middle of 1966. It was a tribute to U.S. organization, technology, and concerted diplomatic and military professionalism by many people. At that point, during the summer of 1966, we moved into the second phase of our plan. In Phase II we continued the pattern and did the following:

Drove the enemy divisions back to sanctuary or into hiding.

Trained, expanded and improved the quality of the Vietnamese armed forces.

Assisted Free World forces of the Pacific area to join the battle against Communist aggression.

Entered enemy base areas and destroyed his supplies.

Raised enemy losses beyond his input capability.

Helped train the Vietnamese army as a territorial security force.

Encouraged combined U.S.-Vietnamese operations.

Continued to help the Vietnamese armed forces in professional development.

Completed free elections within South Vietnam.

Saw an elected civilian government installed.

Stabilized prices—opening roads and canals.

Encouraged enemy defection and resettlement.

Discovered and thwarted the enemy's battle plans before they could be executed.

Unified the U.S. pacification assistance effort for better management of widespread resources.

We will complete this second phase by the end of this year. Before leaving my discussion of this phase, there is one other management aspect worthy of mention. Our rapid buildup 10,000 miles away in an undeveloped nation lacking in logistics support facilities has created many problems. Some units brought to Vietnam equipment that has not been needed. Some supplies were shipped automatically based on experience in other wars and have not been consumed in the quantities expected.

At the same time, our magnificent fighting men have received what they needed to do their job. Now, at the end of this second phase, we have been able to intensify logistical management and turn our attention to eliminating any excess items which may have developed. MACV has instituted an efficiency and economy program to which I have given the thrifty sounding name of Project Maconomy.

NOW THE THIRD PHASE

With 1968, a new phase is now starting. We have reached an important point when the end begins to come into view. What is this third phase we are about to enter?

In Phase III, in 1968, we intend to do the following:

Help the Vietnamese armed forces to continue improving their effectiveness.

Decrease our advisers in training centers and other places where the professional competence of Vietnamese officers makes this possible.

Increase our advisory effort with the younger brothers of the Vietnamese army: the Regional Forces and Popular Forces.

Use U.S. and Free World forces to destroy North Vietnamese forays while we assist the Vietnamese to reorganize for territorial security.

Provide the new military equipment to revitalize the Vietnamese army, and prepare it to take on an ever-increasing share of the war.

Continue pressure on North to prevent rebuilding and to make infiltration more costly.

Turn a major share of front-line DMZ defense over to the Vietnamese army.

Increase U.S. support in the rich and populated Delta.

Help the government of Vietnam single out and destroy the Communist Shadow Government.

Continue to isolate the guerrilla from the people.

Help the new Vietnamese government to respond to popular aspirations, and to reduce and eliminate corruption.

Help the Vietnamese strengthen their police forces to enhance law and order.

Open more roads and canals.

Continue to improve the Vietnamese economy and standard of living.

THE FINAL PHASE

Now for Phase IV—the final phase. That period will see the conclusion to our plan to weaken the enemy and strengthen our friends until we become progressively superfluous. The object will be to show the world that guerrilla warfare and invasion do not pay as a new means of Communist aggression.

I see Phase IV happening as follows:

Infiltration will slow.

The Communist infrastructure will be cut up and near collapse.

The Vietnamese government will prove its stability, and the Vietnamese army will show that it can handle Vietcong.

The Regional Forces and Popular Forces will reach a higher level of professional performance.

U.S. units can begin to phase down as the Vietnamese army is modernized and develops its capacity to the fullest.

The military physical assets, bases and ports, will be progressively turned over to the Vietnamese.

The Vietnamese will take charge of the final mopping up of the Vietcong (which will probably last several years). The U.S., at the same time, will continue the developmental help envisaged by the President for the community of Southeast Asia.

You may ask how long Phase III will take, before we reach the final phase. We have already entered parts of Phase III. Looking back on Phases I and II we can conclude that we have come a long way.

I see progress as I travel all over Vietnam.

I see it in the attitudes of the Vietnamese.

I see it in the open roads and canals.

I see it in the new crops and the new purchasing power of the farmer.

I see it in the increased willingness of the Vietnamese Army to fight North Vietnamese units and in the victories they are winning.

Parenthetically, I might say that the U.S. press tends to report U.S. actions; so you may not be as aware as I am of the victories won by South Vietnamese forces.

ENEMY HAS PROBLEMS

The enemy has many problems:

He is losing control of the scattered population under his influence.

He is losing credibility with the population he still controls.

He is alienating the people by his increased demands and taxes where he can impose them.

He sees the strength of his forces steadily declining.

He can no longer recruit in the South to any meaningful extent; he must plug the gap with North Vietnamese.

His monsoon offensives have been failures.

He was dealt a mortal blow by the installation of a freely elected representative government.

And he failed in his desperate effort to take the world's headlines from the inauguration by a military victory.

Lastly, the Vietnamese army is on the road to becoming a competent force. Korean troops in Vietnam provided a good example for the Vietnamese. Fifteen years ago the Koreans themselves had problems now ascribed to the Vietnamese. The Koreans surmounted these problems and so can and will the Vietnamese.

SOME ACCOMPLISHMENTS

The Vietnamese armed forces have accomplished much in a short time. Here are a few examples:

Career management for officers, particularly infantry officers, has been instituted.

Sound promotion procedures have been put into effect.

Discipline and conduct is being stressed.

Increased emphasis is being devoted to small-unit tactics and leadership.

The promotion of enlisted men to the commissioned ranks is now commonplace (2200 in 1966).

Officers candidates must now take basic training and prove that they have the leadership potential to be officers.

An inspector general for the Vietnamese armed forces has been appointed and is now active in detailed inspections.

Corrupt and inefficient officials are being gradually eliminated.

The military school system has been revitalized.

The Military Academy has gone to a four-year curriculum.

A school for battalion commanders has been established.

A ten-month National Defense College has been organized for selected senior officers.

The same personnel management programs which have been installed successfully in the Vietnamese army are being expanded to the Regional Forces and Popular Forces.

We are making progress. We know you want an honorable and early transition to the fourth and last phase.

So do your sons and so do I.

It lies within our grasp—the enemy's hopes are bankrupt. With your support we will give you a success that will impact not only on South Vietnam, but on every emerging nation in the world.

Mr. AIKEN. Mr. President, will the Senator from New York yield?

Mr. JAVITS. Mr. President, I ask unanimous consent to proceed for 2 minutes in order to reply to the Senator from Vermont to whom I wish to yield.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AIKEN. Did the Senator from New York notice General Westmoreland's statement to the effect that the Vietcong were winning the war in 1965?

Mr. JAVITS. That is exactly what he said.

Mr. AIKEN. Was not that rather an indictment of the people who were informing the Congress that winning the war was very near in 1965? I think General Westmoreland's statement is true.

Mr. JAVITS. So do I.

Mr. AIKEN. I think his credibility gap is much narrower than that of certain other official spokesmen for our Government.

Mr. JAVITS. I thank the Senator very much, because he states the facts exactly.

What has caused difficulty in this country is that, at the time it was said the North Vietnamese were winning and the South Vietnamese were going under, we were told we would be home in a couple of years and things were going very well.

Mr. AIKEN. I think we were told in August that we would be coming home for Christmas.

Mr. JAVITS. That is right. That hope has been dashed and other hopes will be dashed unles we pursue this line that, progressively, the Vietnamese are willing to fight and they are willing to die for freedom just as we have done there and that they will take it over more and more. We will arm them. We will support them. We will even leave backup troops there. But we cannot run it as our war.

That is what the American people are thinking, and this is in the line our country must follow. It is the only way to unite America, and it is very sharply divided today on everything else about the Vietnam war.

COMMENDATION OF SENATOR LONG OF LOUISIANA

Mr. BYRD of West Virginia. Mr. President, I want to join the distinguished majority leader [Mr. MANSFIELD], in complimenting the very able chairman of the Senate Committee on Finance, Mr. LONG of Louisiana, on the excellent presentation that he has made of the most difficult and complex bill considered by the Senate during the past few days and upon which we will soon vote.

At all times the floor manager of the bill, the distinguished junior Senator from Louisiana [Mr. LONG], has demonstrated a very thorough and impressive grasp of the facts, and such knowledge can only be gained through experience, diligence, hard work, and long hearings.

I compliment Mr. LONG, and I thank him for the patience, cooperation, and equanimity which he has consistently shown throughout the long, very arduous, and difficult debate on this important and complicated bill. I believe that the ranking minority member and all the members of the Committee on Finance, as well as the distinguished chairman, are also to be complimented for a job very well done.

Mr. RANDOLPH. Mr. President, will my colleague yield?

Mr. BYRD of West Virginia. I yield.

Mr. RANDOLPH. Mr. President, I wish to supplement the appropriate words just spoken by my colleague, Senator BYRD. Members of this body realize that such a bill is very difficult to understand in its intricate provisions. I am very frank. I must labor to understand what we are doing. The helpful manner in which the explanations have been made by the distinguished chairman of the Finance Committee has been of vital value to me as we have worked our legislative way through this complicated measure. In a moment, I shall express my approval of the progress made as we came nearer to a vote.

I stress the patience which the Senator from Louisiana [Mr. LONG] has shown day after day during the debate.

Mr. BYRD of West Virginia. And the good humor.

Mr. RANDOLPH. Yes, and good humor.

I think there has been general agreement among practically all Members that this is a truly important measure. The expertise of the chairman of the Finance Committee in handling this legislation has been noteworthy.

I recall, Mr. President, that there are two Members in the Senate now who were here on May 13, 1935, and voted then

for the original Social Security Act. They are Senators HAYDEN and RUSSELL.

There are five other Senators in this body today who were in the House of Representatives on April 19, 1935, and voted for the first Social Security Act. These men are Senators CARLSON, DIRKSEN, HILL, YOUNG of Ohio, and I.

Mr. President, shortly we will vote on final passage of the Social Security Amendments of 1967. This comprehensive measure provides a substantial increase in social security benefits for the more than 23 million people now on the rolls, as well as substantially improved protection for 86 million current workers—and their families—who are the future beneficiaries.

The 15 percent across-the-board increase provided by the bill is a needed increase. About one-half of our social security beneficiaries have, in terms of a regular income, only their social security. For almost all beneficiaries, social security is their main source of support. It is for these reasons that the level of social security benefits is the all-important factor in determining how well our elderly citizens will be able to live.

Social security benefits are too low. The average benefit for retired workers today is about $85 a month; for aged widows, the average is $74 a month. In a country as prosperous as the United States, there is absolutely no reason why these people should not share in at least a part of the expanding prosperity most of us have come to know and enjoy. Under the bill, benefits that now range from $44 to $142 for retired workers will be increased to a range of $70 to $163.30. A worker receiving a benefit equal to the average benefit now payable—about $85 a month—will receive about $98 a month. The average benefit for an aged retired couple will be increased from $145 a month to $171 a month.

Because the social security program is so basic to the future plans of all workers and their families, we must not permit it to become static. That is why I favor the raise in the amount of annual earnings subject to social security contributions and used in computing benefit amounts. This increase in the base will make possible in the future the payment of social security benefits that will be more closely related to the earnings that the family breadwinner had before he retired, became disabled, or died. Moreover, the increase in the contribution and benefit base will help to finance the more liberal benefits provided under the bill.

I am particularly gratified to note that, in order to finance the increases and the other improvements, the pending bill calls for, along with increases in the contribution rate schedule, a three-step increase in contribution and benefit base—the maximum amount of annual earnings subject to tax and counted for benefit purposes. As a result, the base would be increased from its present level of $6,600 to $8,000 in 1968, $8,800 in 1969, and to $10,800 in 1972. Increases in the base, when compared with increases in the contribution rate, have the advantage that the people who contribute more will receive more protection. When the base is increased, new, higher benefits become payable on the basis of the higher average earnings made possible by the increase in the base. Since the matching employer contributions, when combined with the new employee contributions, are more than sufficient to provide for the increased protection, additional income is available to improve benefits throughout the social security system.

This measure improves the social security program for those now receiving benefits—our older citizens, those who are disabled, their dependents and survivors. And it significantly increases the protection against future loss of earnings for all our citizens who now work in jobs covered by the program.

Another vital provision authorizes retirement benefits, for the first time, as early as age 60 for workers and their spouses, and for aged survivors of deceased insured workers. This amendment was sponsored by my distinguished colleague from West Virginia [Mr. BYRD]. I have consistently supported this provision.

The payment of retirement benefits beginning at age 60 would clearly help lessen the hardships faced by the group of workers who because of ill health, technological unemployment, or other reasons, find it impossible to continue working until they reach age 62. Many of our older workers lack the newer technical skills needed to run new machines; they are the people who employers often let go first. Persons who worked and contributed to the social security program have the right to retirement benefits when they become too old to work. They should receive social security benefits if they can no longer work or find jobs because of their age. These people would rather have reduced social security benefits than no regular income at all.

This is a change that is long overdue. It is a change that was voted on favorably by this body earlier this year.

There can be no question that these benefits and improvements to social security are vitally needed. Nor can there be any question that they are needed now. I enthusiastically support the enactment of this bill without further delay.

Mr. BYRD of West Virginia. Mr. President, I thank my senior colleague for his remarks.

Mr. MORSE. Mr. President, I want to join the majority leader, and the Senators from West Virginia [Mr. BYRD and Mr. RANDOLPH] and others who have so deservedly lauded Senator RUSSELL LONG of Louisiana for the remarkable parliamentary leadership he extended to us in bringing about the third reading of the bill and the passage which will follow in the next hour in the Senate. Credit for the bill is due in no small measure to Senator RUSSELL LONG.

The Senate version of the bill is a good one. It is not a perfect bill in my opinion, as my votes for some amendments that were defeated on the floor of the Senate demonstrate. The bill does not go far enough, in my judgment, to give the economic justice to the elderly people of this country that I think they are entitled to, a justice that we must come to just as rapidly as possible.

May I say to them, this is not the last social security bill we are going to pass in the years immediately ahead. The senior Senator from Oregon will continue to do everything he can to secure passage of some amendments that went down to defeat in this debate.

On the other hand, I say to the beneficiaries of social security, the bill advances your interest more than any legislation Congress has considered on this subject at any time in the past since the original act was passed.

The bill deserves the vote of Senators this morning, and it deserves every effort on the part of the Senate conferees to maintain the Senate amendments in conference with the House, for the Senate bill, in my judgment, is a much better bill than the House bill. It is a bill that ought finally to go on to the law books, recognizing, as I have said, that there will have to be some give and take in conference. I hope, however, that the conferees of the House will recognize the temper and the tempo of the times, as the Government of the United States seeks through legislation to do economic justice to the elderly people by having a social security program that really makes it possible for them to live out their old age in health, decency, and self-respect. It seeks to help them enjoy the happiness that we ought, as a matter of moral recognition, see to it that our elderly are able to enjoy.

Some provisions of the bill embody amendments that I have advocated and supported for several years. I was highly gratified when many of the principles of those amendments were adopted, in the first instance, by the Committee on Finance itself. That made it unnecessary to wage a battle for them in the course of the debate on the bill. Other amendments that I have advocated over the years were adopted in principle on the floor of the Senate. They are not in the exact form that I have urged them, but the principle is there. I am grateful, therefore, to the Senator from Louisiana for the cooperation he extended to me. The bill has my support for these principal reasons:

First. The level of benefits will be raised across the board by 15 percent. That falls short of the 20-percent boost provided in the amendment that I sponsored with the Senator from New York [Mr. KENNEDY]. It falls short of the $100 minimum which the Senator from New York and I and other Senators have advocated for some time past. It is a minimum that I will continue to work for in the Senate.

But this 15-percent boost is better than the 12½ percent approved by the House of Representatives.

Second. The adoption yesterday of the Bayh amendment raises the earnings test to $2,400, thus enabling annuitants to earn up to that amount each year without loss of social security benefits.

I was very much interested in the debate yesterday. I thought the Senator

from Oklahoma [Mr. MONRONEY] put it very well.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MORSE. I ask unanimous consent that I may have 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORSE. I thought the Senator from Oklahoma put it very well when he made the plea to let these elderly people work. The privilege of working is, in my judgment, essential to the happiness of many of them. Let us not overlook that intangible value implied by the word "happiness." We need to pay attention to the happiness of our people, and particularly we need to pay attention to the happiness of the aged. Nothing was said on this matter in the debate on yesterday; but when we think about what happens to elderly people when they are able to work and earn up to $2,400 a year, and the effect on their families, their sons and daughters, and the other members of the family, one can begin to grasp the significance of the Bayh amendment.

The Bayh amendment was a great step forward in permitting retired persons to earn up to $2,400, and still not suffer loss of social security benefits.

Third. The Prouty amendment was adopted, to exclude from the income test for veterans' pensions the increase in social security benefits carried in this bill.

Fourth. The Finance Committee bill enables employees to choose retirement at age 60 with a reduced annuity.

Fifth. The committee bill further provides coverage of charges for certain of the services of optometrists, podiatrists, chiropractors, and clinical psychologists under the supplementary insurance program.

Sixth. The committee eased the most stringent and punitive sections of the House bill relating to public assistance and aid to dependent children. The adoption on the floor of the Harris amendment, making mandatory aid to the children of unemployed fathers, and the Kennedy amendment, which provides that mothers of dependent children do not have to work outside of the home when the children need their care at home, are great steps forward in our social security program.

I was at a loss to understand the insistence in the House that mothers with small children work and accept training for work in order for those children to receive assistance. The mother of three or four or five children ought to stay in the home, at least when their children come home from school. They are needed to assure at least some parental supervision as well as doing the cleaning, the sewing, the preparations in the home that make it possible for those children to enjoy their home life.

It goes without saying, and we can take judicial notice of the fact, that a mother with children who has to go outside of the home and work every day is not able to give those children a precious heritage we ought to try to provide for all American boys and girls, a happy home life.

Again I thank the Senator from Louisiana for the splendid job he has done in guiding this bill through the Senate, and I hope that the changes this Senate has made will be sustained in conference with the House.

Mr. WILLIAMS of Delaware. Mr. President, it is with regret that I cannot support this bill. I feel that there is a need for a reasonable increase in social security benefits and would gladly have supported a bill in line with the one passed by the House, which provided a 12½-percent increase in such benefits.

Such an increase could have been financed without a prohibitive increase in the taxes on the wage earners, and the many small businessmen who are today struggling to keep their operations going.

But the bill before us has gone far beyond what I think our country can afford, and the wage tax increases provided in the Senate bill represent a staggering increase in wage taxes that will be placed upon the many young workers of America, who today in view of the high cost of living are already having to struggle to support their growing families and provide for their children's education.

The fact that the Senate has delayed these wage tax increases until after the 1968 election does not make them any less regressive or painful.

When H.R. 12080 passed the House its cost was projected as being $3.2 billion in 1968, with this cost rising in 1972 to $3.8 billion. This cost covered an increase in social security benefits of 12½ percent; the House bill raised the minimum benefits for all and raised the earning test limitation to $1,680. To finance these benefits the earning base subject to wage tax was raised from the present $6,600 to $7,600. The House bill likewise made many increases in the medicaid program, bringing its cost into a more realistic range.

But the Senate Finance Committee went on a spending spree and practically doubled both the cost and the tax rates as compared to the House bill.

The bill reported by the Senate Finance Committee added over $3 billion to the cost of the House bill, which brought the full year's cost of the bill to $6.3 billion. In 1972 these costs will be even higher.

To finance these extra benefits in the Senate bill the wage taxes will be raised as much as 100 percent for the middle income wage earners. Under the Senate bill the cost to the $10,000 wage earners will jump from $290.40 to $580 per year. This increased wage tax must be matched by his employer, which means rising costs of the products being manufactured. The $5,000 worker will have a wage tax increase from the present $220 per year to $290. Other comparable increases are placed upon these young workers who today are already having a hard time to meet the expenses of a growing family.

But even this $3 billion increase by the Senate Finance Committee did not seem to be enough, and the Senate yesterday further added another $1½ billion to the cost of this bill by adopting a series of amendments offered on the floor.

The net result is that we have before us today a bill which in its present form will cost over $7.5 billion and a bill which places upon the wage earners of America the largest wage tax increase in our history.

This $7½ billion bill is being advanced at a time when both the administration and the Congress have been shedding a lot of crocodile tears over the dangers of uncontrolled inflation. Both the administration and the Congress have been promising that before any tax increase is considered, a bona fide effort must be made to reduce expenditures.

How can either the administration or the Senate reconcile their remarks of the past 4 days with their support of a bill which adds over $4 billion to a $3 billion bill as passed by the House just a few weeks ago?

If these Senate additions of over $4 billion are just being passed with an understanding that the House will reject the increases and send back a bill from conference more nearly in line with the projected cost of the House bill, then this action represents the height of political hypocracy, and I will have no part of such tactics.

In my opinion our country faces a crisis in that we have reached the point where we cannot continue down this road of ever-expanding deficits.

These mounting deficits and the resulting inflation have destroyed the purchasing power of the pensions upon which these retired people have been depending. Merely to raise social security payments and then do nothing to check the inflationary threat will be of but a short-term benefit, and within 2 years they will be in a worse condition than today.

The value of the savings bonds, the life insurance policies, the private pensions has been destroyed as the result of this uncontrolled inflation.

Eight years ago a small investor bought a series E Government bond for $75, and today he receives $100 as payment of his principal and interest; but through the erosion of the purchasing power of the dollar he cannot buy with $100 what he could have bought with the $75 7 years ago.

Through uncontrolled inflation we have destroyed the security of millions of our retired citizens. The value of their life savings, their insurance policies, their pensions, social security, and savings accounts is getting to be worth less every day as the result of this uncontrolled inflation.

Mr. President, these trust funds represent the security not only of those already on retirement but of the present-day wage earners, who upon reaching retirement age will be expecting their benefits to be paid. It is therefore essential that the integrity of this fund be preserved.

To illustrate just how the present inflationary situation with its accompanying high interest rates, which means

lower bond prices, affects these trust funds I ask unanimous consent to have printed at this point in the RECORD a series of tabulations showing the investment portfolios of various trust funds, including the social security trust fund, the civil service retirement fund, and the railroad retirement trust fund.

The PRESIDING OFFICER (Mr. BYRD of Virginia in the chair). Without objection, the material will be printed in the RECORD, as follows:

TREASURY DEPARTMENT,
FISCAL SERVICE,
Washington, D.C., October 24, 1967.

Hon. JOHN J. WILLIAMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WILLIAMS: In response to your recent telephone request, there are attached schedules showing by issue the face amount, book value (where available) and current market value of marketable investment holdings of the four Social Security Trust Funds, the Civil Service Retirement and Disability Fund and the Railroad Retirement Accounts. There are also attached schedules showing the current investment holdings of Special Treasury Obligations issued to the above funds.

The market value columns shown on the attached schedules are based on current market quotations, as noted. These prices are currently at a very low point. Therefore, the total market value shown for these securities is appreciably less than the book value shown. However, caution should be exercised in attempting to estimate a possible loss, since Special Treasury Obligations, not marketable securities, are redeemed at part for the purpose of meeting current benefit payments or other authorized expenditures. Marketable securities are normally purchased and held to maturity.

You also asked that if special Treasury issues were marketable what would be their estimated current market value. As previously mentioned, special Treasury issues are purchased by the trust funds at par and are redeemed by the Treasury at par when necessary to meet benefit payments and other expenditures. Therefore, there is no market value as such for special issues comparable to the market value at any given time for any marketable public debt obligation.

Your question may relate to the yield on special Treasury issues as compared to marketables. Since specials are issued and redeemed at par, the yield is always equal to the coupon rate established at the time of issue. This interest rate is by law based on the average market yield of all marketable public debt obligations with remaining periods to maturity of four years or more from the end of the calendar month prior to issuance, except for the Railroad Retirement Accounts which are based on all marketable public debt obligations with remaining periods to maturity of three years or more. In the case of marketable securities, the true yield would not only depend on the coupon rate at time of issue, but also on the purchase price and, if sold prior to maturity, the selling price.

Very truly yours,

JOHN K. CARLOCK,
Fiscal Assistant Secretary.

HOLDINGS FOR FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND AS OF OCT. 20, 1967

Securities	Face amount	Book value [1]	Market value [2]
MARKETABLES			
U.S. Treasury bonds:			
2½ percent, June 15, 1964-69	$22,180,000	$21,753,047.06	$21,230,418.75
2½ percent, Dec. 15, 1964-69	33,000,000	32,219,058.67	31,195,312.50
2½ percent, Sept. 15, 1967-72	250	250.00	222.03
3⅛ percent, May 15, 1968	17,450,000	17,450,000.00	17,313,671.88
3¾ percent, Aug. 15, 1968	7,000,000	7,000,000.00	6,910,312.50
4 percent, Feb. 15, 1969	5,000,000	5,000,000.00	4,912,500.00
4 percent, Oct. 1, 1969	57,500,000	57,490,553.52	55,954,687.50
4 percent, Feb. 15, 1970	15,000,000	14,968,281.17	14,498,437.50
4 percent, Aug. 15, 1971	100,000,000	100,697,530.84	94,718,750.00
4 percent, Aug. 15, 1973	38,000,000	37,789,128.85	35,031,250.00
4⅛ percent, Feb. 15, 1974	61,934,000	61,895,580.95	57,095,406.25
4¼ percent, May 15, 1974	6,352,000	6,363,615.84	5,899,420.00
3⅞ percent, Nov. 15, 1974	24,500,000	24,480,272.84	22,157,187.50
4¼ percent, May 15, 1975-85	78,023,000	77,654,044.34	67,538,659.38
3¼ percent, June 15, 1978-83	60,200,000	59,272,764.62	46,354,000.00
4 percent, Feb. 15, 1980	153,100,000	153,040,016.74	132,048,750.00
3½ percent, Nov. 15, 1980	449,450,000	455,156,974.02	366,301,750.00
3¼ percent, May 15, 1985	25,700,000	24,171,356.15	19,724,750.00
4¼ percent, Aug. 15, 1987-92	33,000,000	35,111,119.89	27,616,875.00
4⅛ percent, May 15, 1989-94	91,300,000	90,496,486.77	74,352,437.50
3½ percent, Feb. 15, 1990	556,250,000	546,773,428.71	426,574,218.75
3 percent, Feb. 15, 1995	70,170,000	70,142,012.59	53,373,056.25
3½ percent, Nov. 15, 1998	552,037,000	542,441,418.01	421,618,258.75
Total, public issues	2,457,146,250	2,441,366,941.58	2,002,420,332.04
Agency Issues:			
FICB debentures: 5.15 percent, Nov. 1, 1967	17,000,000	17,000,000.00	17,000,000.00
FHLB bonds:			
6 percent, Oct. 26, 1967	26,000,000	25,998,916.64	26,000,000.00
5⅜ percent, Apr. 25, 1968	25,000,000	25,014,583.36	24,976,562.50
FNMA debentures:			
5⅞ percent, Sept. 10, 1968	10,000,000	9,997,135.46	10,012,500.00
6 percent, Dec. 12, 1969	41,500,000	41,518,732.60	41,551,875.00
5⅛ percent, July 10, 1969	25,000,000	25,048,879.36	24,718,750.00
5¾ percent, Oct. 13, 1970	20,000,000	19,960,000.00	19,937,500.00
FLB bonds: 5⅞ percent, Dec. 20, 1967	15,000,000	15,000,000.00	15,018,750.00
Total, agency issues	179,500,000	179,538,247.42	179,215,937.50
MARKETABLES—Continued			
Participation certificates:			
Fait, FNMA, trustee:			
5.20 percent, January 19, 1982	$100,000,000	$100,000,000.00	$93,000,000.00
5.10 percent Apr. 6, 1987	50,000,000	50,000,000.00	46,000,000.00
5½ percent, June 29, 1972	50,000,000	50,000,000.00	48,875,000.00
Total, participation certificates	200,000,000	200,000,000.00	187,875,000.00
Total, marketables	2,836,646,250	2,820,905,189.00	2,369,511,269.54
SPECIALS			
Certificates of indebtedness:			
5⅛ percent, June 30, 1968	1,872,652,000	----------	----------
5¼ percent, June 30, 1968	17,074,000	----------	----------
Notes:			
4⅞ percent, June 30, 1969	1,080,011,000	----------	----------
4⅞ percent, June 30, 1970	296,526,000	----------	----------
4⅞ percent, June 30, 1971	1,080,011,000	----------	----------
4¾ percent, June 30, 1974	2,720,279,000	----------	----------
Bonds:			
2⅝ percent, June 30, 1970	783,485,000	----------	----------
2⅝ percent, June 30, 1971	1,080,011,000	----------	----------
2⅝ percent, June 30, 1972	1,080,011,000	----------	----------
2⅝ percent, June 30, 1973	1,080,011,000	----------	----------
2⅝ percent, June 30, 1974	1,080,011,000	----------	----------
2⅝ percent, June 30, 1975	919,934,000	----------	----------
3¼ percent, June 30, 1975	160,077,000	----------	----------
3¼ percent, June 30, 1976	1,080,011,000	----------	----------
3⅞ percent, June 30, 1977	1,080,011,000	----------	----------
3⅞ percent, June 30, 1978	658,444,000	----------	----------
4⅛ percent, June 30, 1978	421,567,000	----------	----------
4⅛ percent, June 30, 1979	1,080,011,000	----------	----------
4⅛ percent, June 30, 1980	1,080,011,000	----------	----------
Total, special issues	18,650,148,000	----------	----------
U.S. Treasury bonds, nonmarketable:			
2¾ percent, Apr. 1, 1975-80	1,064,902,000	----------	----------
Grand total	22,551,696,250	----------	----------

[1] Book value based on amortization of premium and/or discount on a straight-line basis.

[2] Market value based on the closing market bid on Oct. 13, 1967, for agency issues and participation certificates and on the closing market bid on Oct. 19, 1967, for public issues.

HOLDINGS FOR THE FEDERAL DISABILITY INSURANCE TRUST FUND AS OF OCT. 20, 1967

Securities	Face amount	Book value [1]	Market value [2]
MARKETABLES			
U.S. Treasury bonds:			
3⅛ percent, May 15, 1968	$3,750,000	$3,750,000.00	$3,720,703.13
3¾ percent, Aug. 15, 1968	5,000,000	5,000,000.00	4,935,937.50
3⅛ percent, Nov. 15, 1968	5,000,000	4,992,968.50	4,923,437.50
4 percent, Oct. 1, 1969	26,000,000	25,993,851.79	25,301,250.00
4 percent, Feb. 15, 1970	10,000,000	9,978,515.45	9,665,625.00
4 percent, Aug. 15, 1970	14,000,000	13,957,349.76	13,444,375.00
4 percent, Feb. 15, 1972	2,000,000	1,988,394.64	1,881,250.00
4 percent, Aug. 15, 1972	2,000,000	1,989,851.00	1,872,500.00
4 percent, Aug. 15, 1973	16,500,000	16,360,623.51	15,210,937.50
4⅛ percent, Feb. 15, 1974	10,000,000	10,017,431.12	9,218,750.00
MARKETABLES—Continued			
U.S. Treasury bonds—Continued			
3⅞ percent, Nov. 15, 1974	$5,000,000	$5,000,000.00	$4,521,875.00
4¼ percent, May 15, 1975-85	20,795,000	20,774,628.28	18,000,671.88
4 percent, Feb. 15, 1980	30,250,000	30,240,452.69	26,090,625.00
4¼ percent, Aug. 15, 1987-92	80,800,000	80,979,046.03	2,619,500.00
4⅛ percent, May 15, 1989-94	68,400,000	67,514,591.67	55,703,250.00
3½ percent, Feb. 15, 1990	10,500,000	9,882,092.39	8,052,187.50
3½ percent, Nov. 15, 1998	5,000,000	4,676,514.55	3,818,750.00
Total, public issues	314,995,000	313,096,311.38	273,981,625.01

See footnote at end of table.

HOLDINGS FOR THE FEDERAL DISABILITY INSURANCE TRUST FUND AS OF OCT. 20, 1967—Continued

Securities	Face amount	Book value [1]	Market value [2]
MARKETABLES—Continued			
Agency issues:			
FHLB bonds: 6 percent, Oct. 26, 1967	$15,590,000	$15,588,916.64	$15,590,000.00
FNMA debentures:			
5⅞ percent, Sept. 10, 1968	10,000,000	9,997,135.46	10,012,500.00
5⅜ percent, Oct. 13, 1970	20,000,000	19,960,000.00	19,937,500.00
Total, agency issues	45,590,000	45,546,052.10	45,540,000.00
Participation certificates—FALT, FNMA, trustee: 5½ percent, June 29, 1972	50,000,000	50,000,000.00	48,875,000.00
Total, marketables	410,585,000	408,642,363.48	368,396,625.01
SPECIALS			
Certificates of indebtedness:			
5⅛ percent, June 30, 1968	87,111,000	----------	----------
5¼ percent, June 30, 1968	520,000	----------	----------
MARKETABLES—Continued			
Notes:			
4⅞ percent, June 30, 1971	$74,799,000	----------	----------
4¾ percent, June 30, 1974	309,178,000	----------	----------
Bonds:			
2½ percent, June 30, 1974	77,006,000	----------	----------
3¾ percent, June 30, 1974	20,738,000	----------	----------
2½ percent, June 30, 1975	132,894,000	----------	----------
3¾ percent, June 30, 1975	20,738,000	----------	----------
3¾ percent, June 30, 1976	153,632,000	----------	----------
3¾ percent, June 30, 1977	153,632,000	----------	----------
3⅞ percent, June 30, 1978	153,632,000	----------	----------
4⅛ percent, June 30, 1979	153,632,000	----------	----------
4⅛ percent, June 30, 1980	125,606,000	----------	----------
Total, special issues	1,463,118,000	----------	----------
Grand total	1,873,703,000	----------	----------

[1] Book value based on amortization of premium and/or discount on a straight line basis.

[2] Market value based on the closing market bid on Oct. 13, 1967, for agency issues and participation certificates and on the closing market bid on Oct. 19, 1967, for public issues.

HOLDINGS FOR THE FEDERAL HOSPITAL INSURANCE TRUST FUND AS OF OCT. 20, 1967

Securities	Face amount	Book value [1]	Market value [2]
MARKETABLES			
Agency issues:			
FLB bonds: 5⅞ percent, Dec. 20, 1967	$15,000,000	$15,000,000.00	$15,018,750
FNMA debentures: 6 percent, Dec. 12, 1969	41,500,000	41,518,733.60	41,551,875
Total, agency issues	56,500,000	56,518,733.60	56,570,625
Participation certificates—FALT, FNMA, Trustee: 5.20 percent, Jan. 19, 1982	50,000,000	50,000,000.00	46,500,000
Total, marketables	106,500,000	106,518,733.60	103,070,625
SPECIALS			
Certificates of indebtedness: 5⅛ percent, June 30, 1968	$100,745,000	----------	----------
Notes:			
4⅞ percent, June 30, 1971	514,659,000	----------	----------
4¾ percent, June 30, 1972	46,131,000	----------	----------
4¾ percent, June 30, 1973	46,131,000	----------	----------
4¾ percent, June 30, 1974	415,179,000	----------	----------
Total, special issues	1,152,845,000	----------	----------
Grand total	1,259,345,000	----------	----------

[1] Book value basedon amortization of premium and/or discount on a straight line basis.

[2] Market value based on the closing market bid on Oct. 13, 1967, for agency issues and participation certificates and on the closing market bid on Oct. 19, 1967, for public issues.

HOLDINGS FOR THE FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND AS OF OCT. 20, 1967

Securities	Face amount
Specials: Certificates of indebtedness, 5¼ percent, maturing June 30, 1968	$57,200,000
Notes:	
4¾ percent, maturing June 30, 1970	1,482,000
4¾ percent, maturing June 30, 1971	31,923,000
4¾ percent, maturing June 30, 1972	$31,923,000
4¾ percent, maturing June 30, 1973	31,923,000
4¾ percent, maturing June 30, 1974	287,311,000
Total, special issues	441,762,000

HOLDINGS FOR THE CIVIL SERVICE RETIREMENT AND DISABILITY FUND [1] AS OF OCT. 20, 1967

Securities	Face amount	Market value [2]
MARKETABLES		
U.S. Treasury notes:		
4¾ percent, May 15, 1968	$4,400,000	$4,387,625.00
5 percent, Nov. 15, 1970	146,400,000	144,204,000.00
5⅜ percent, Feb. 15, 1971	25,000,000	24,875,000.00
5¼ percent, May 15, 1971	19,500,000	19,353,750.00
5⅜ percent, Nov. 15, 1971	25,000,000	24,882,812.50
4¾ percent, Feb. 15, 1972	110,600,000	107,040,062.50
4¾ percent, May 15, 1972	98,700,000	95,430,562.50
U.S. Treasury bonds:		
3⅞ percent, May 15, 1968	12,400,000	12,303,125.00
3¾ percent, Aug. 15, 1968	2,800,000	2,764,125.00
3⅞ percent, Nov. 15 1968	1,600,000	1,575,500.00
4 percent, Feb. 15, 1969	10,000,000	9,825,000.00
2½ percent, June 15, 1969	10,000,000	9,571,875.00
4 percent, Oct. 1, 1969	60,400,000	58,776,750.00
2½ percent, Dec. 15, 1964–69	16,400,000	15,503,125.00
4 percent, Aug. 15, 1970	54,600,000	52,433,062.50
3⅞ percent, Nov. 15, 1971	6,100,000	5,734,000.00
4 percent, Feb. 15, 1972	5,200,000	4,891,250.00
4 percent, Aug. 15, 1972	28,700,000	26,870,375.00
4 percent, Aug. 15, 1973	23,800,000	21,940,625.00
4⅛ percent, Nov. 15, 1973	33,600,000	31,416,000.00
4⅛ percent, Feb. 15, 1974	55,900,000	51,532,812.50
4¼ percent, May 15, 1974	126,060,000	117,078,225.00
3⅞ percent, Nov. 15, 1974	47,650,000	43,093,468.75
4 percent, Feb. 15, 1980	110,394,000	95,214,825.00
3½ percent, Nov. 15, 1980	15,700,000	12,795,500.00
3¼ percent, June 15, 1978–83	16,800,000	12,936,000.00
3¼ percent, May 15, 1985	85,900,000	65,928,250.00
4¼ percent, May 15, 1975–85	53,105,000	45,969,015.63
3½ percent, Feb. 15, 1990	98,600,000	75,613,875.00
4¼ percent, Aug. 15, 1987–92	347,920,000	291,165,550.00
4⅛ percent, May 15, 1989–94	10,750,000	8,754,531.25
3 percent, Feb. 15, 1995	55,205,000	41,990,303.13
3½ percent, Nov. 15, 1998	83,269,000	63,596,698.75
Total, public issues	1,802,453,000	1,599,447,680.01
MARKETABLES—Continued		
Agency issues—FHLB bonds: 5⅜ percent, Apr. 25, 1968	$14,000,000	$13,986,875.00
FICB debentures: 5.15 percent, Nov. 1, 1967	17,000,000	17,000,000.00
FLB bonds: 5⅞ percent, Dec. 20, 1967	15,000,000	15,018,750.00
FNMA debentures:		
5⅛ percent, Sept. 10, 1968	10,000,000	10,012,500.00
5⅛ percent, July 10, 1969	25,000,000	24,718,750.00
6 percent, Dec. 12, 1969	41,500,000	41,551,875.00
5¼ percent, Oct. 13, 1970	20,000,000	19,937,500.00
Total, agency issues	142,500,000	142,226,250.00
FNMA participation certificates:		
5 percent, Jan. 19, 1972	50,000,000	48,000,000.00
5½ percent, June 29, 1972	50,000,000	48,875,000.00
5.20 percent, Jan. 19, 1982	100,000,000	93,000,000.00
Total, participation	200,000,000	189,875,000.00
Total, marketables	2,144,953,000	1,931,548,930.01
Specials—certificates of indebtedness:		
5⅛ percent, 1968	520,580,000	----------
5 percent, 1968	5,451,000	----------
Notes:		
4⅛ percent, 1969	142,474,000	----------
4⅞ percent, 1969	40,692,000	----------
4⅛ percent, 1970	69,699,000	----------
4⅞ percent, 1970	40,692,000	----------
4⅞ percent, 1971	1,785,656,000	----------
4¾ percent, 1974	1,758,171,000	----------
Bonds:		
2½ percent, 1968	200,000,000	----------
2⅝ percent, 1968	415,527,000	----------
2⅞ percent, 1968	69,913,000	----------
2⅝ percent, 1969	615,527,000	----------
2⅞ percent, 1969	69,913,000	----------
3¼ percent, 1969	60,976,000	----------
3⅞ percent, 1969	80,227,000	----------
2⅝ percent, 1970	615,527,000	----------

HOLDINGS FOR THE CIVIL SERVICE RETIREMENT AND DISABILITY FUND[1] AS OF OCT. 20, 1967—Continued

Securities	Face amount	Market value[2]
SPECIALS—Continued		
Bonds—Continued		
2⅞ percent, 1970	$69,913,000	
3¾ percent, 1970	60,976,000	
3⅞ percent, 1970	80,227,000	
4⅛ percent, 1970	72,775,000	
2⅝ percent, 1971	615,527,000	
2⅞ percent, 1971	69,913,000	
3¾ percent, 1971	60,976,000	
3⅞ percent, 1971	80,227,000	
4⅛ percent, 1971	142,474,000	
3¾ percent, 1972	60,976,000	
3⅞ percent, 1972	532,981,000	
4⅛ percent, 1972	375,160,000	
3¾ percent, 1973	60,976,000	
3⅞ percent, 1973	103,448,000	
4⅛ percent, 1973	552,988,000	
2⅝ percent, 1974	270,724,000	
3¾ percent, 1974	60,976,000	
3⅞ percent, 1974	80,227,000	
4⅛ percent, 1974	212,387,000	
2⅝ percent, 1975	$615,527,000	
3¾ percent, 1975	60,976,000	
3⅞ percent, 1975	80,227,000	
4⅛ percent, 1975	167,167,000	
2⅞ percent, 1976	589,362,000	
3¾ percent, 1976	60,976,000	
3⅞ percent, 1976	80,227,000	
4⅛ percent, 1976	142,474,000	
3¾ percent, 1977	746,416,000	
3⅞ percent, 1977	80,227,000	
4⅛ percent, 1977	142,474,000	
3⅞ percent, 1978	826,643,000	
4⅛ percent, 1978	142,474,000	
4⅛ percent, 1979	969,117,000	
4⅛ percent, 1980	969,117,000	
Total, specials	15,728,280,000	
Grand total	17,873,233,000	

[1] Treasury Department does not maintain administrative accounts for this fund, therefore, book value is not available in the Investments Branch.

[2] Market value based on the closing market bid on Oct. 13, 1967, for agency issues and participation certificates and on the closing market bid on Oct. 19, 1967, for public issues.

HOLDINGS FOR THE RAILROAD RETIREMENT ACCOUNT[1] AS OF OCT. 20, 1967

Securities	Face amount	Market value[2]
MARKETABLES		
U.S. Treasury notes:		
5 percent, Nov. 15, 1970	$32,000,000	$31,520,000.00
4¾ percent, May 15, 1972	20,000,000	19,337,500.00
4¾ percent, Feb. 15, 1972	18,000,000	17,420,625.00
U.S. Treasury bonds:		
3½ percent, May 15, 1968	7,000,000	6,945,312.50
3¼ percent, Aug. 15, 1968	14,000,000	13,820,625.00
4 percent, Feb. 15, 1969	51,000,000	50,107,500.00
4 percent, Oct. 1, 1969	57,000,000	55,468,125.00
4 percent, Aug. 15, 1970	35,000,000	33,610,937.50
4 percent, Aug. 15, 1971	8,500,000	8,051,093.75
3½ percent, Nov. 15, 1971	46,500,000	43,710,000.00
4 percent, Feb. 15, 1972	21,000,000	19,753,125.00
4 percent, Aug. 15, 1972	33,500,000	31,364,375.00
3½ percent, Nov. 15, 1974	156,700,000	141,715,562.50
4 percent, Feb. 15, 1980	125,550,000	108,243,750.00
3½ percent, Nov. 15, 1980	6,000,000	4,890,000.00
4¼ percent, May 15, 1975–85	47,261,000	40,910,303.13
3¼ percent, May 15, 1985	6,900,000	5,295,750.00
3½ percent, Feb. 15, 1990	38,925,000	29,850,609.38
4¼ percent, Aug. 15, 1987–92	14,000,000	11,716,250.00
4 percent, Feb. 15, 1988–93	6,000,000	4,882,500.00
4⅛ percent, May 15, 1989–94	13,100,000	10,668,312.50
3 percent, Feb. 15, 1995	3,200,000	2,434,000.00
3½ percent, Nov. 15, 1998	31,550,000	24,096,312.50
Total, public issues	792,686,000	715,812,568.76
Agency issues:		
FHLB bonds:		
5⅛ percent, Dec. 20, 1967	15,000,000	15,018,750.00
6 percent, Oct. 26, 1967	26,000,000	26,000,000.00
5⅝ percent, Apr. 25, 1968	25,000,000	24,976,562.50
FNMA debentures:		
5⅞ percent, Sept. 10, 1968	10,000,000	10,012,500.00
6 percent, Dec. 12, 1969	41,500,000	41,551,875.00
5¼ percent, Oct. 13, 1970	20,000,000	19,937,500.00
Total, agency issues	137,500,000	137,497,187.50
MARKETABLES—Continued		
Participation certificates—FALT, FNMA, trustee: 5.20 percent, Jan. 19, 1977	$50,000,000	$46,500,000.00
Total, marketables	980,186,000	899,809,756.26
SPECIALS		
Notes:		
4¾ percent, 1969	146,704,000	
4⅞ percent, 1969	10,257,000	
4⅛ percent, 1970	10,298,000	
4⅞ percent, 1970	10,257,000	
4⅞ percent, 1971	321,044,000	
4¾ percent, 1974	416,402,000	
Bonds:		
4 percent, 1970	185,091,000	
4⅛ percent, 1970	12,812,000	
4 percent, 1971	185,091,000	
4⅛ percent, 1971	23,110,000	
4 percent, 1972	185,091,000	
4⅛ percent, 1972	23,110,000	
4 percent, 1973	185,091,000	
4⅛ percent, 1973	23,110,000	
4 percent, 1974	185,091,000	
4⅛ percent, 1974	23,110,000	
4 percent, 1975	185,091,000	
4⅛ percent, 1975	23,110,000	
4 percent, 1976	185,091,000	
4⅛ percent, 1976	23,110,000	
4 percent, 1977	185,091,000	
4⅛ percent, 1977	23,110,000	
4 percent, 1978	185,091,000	
4⅛ percent, 1978	23,110,000	
4⅛ percent, 1979	208,201,000	
4⅛ percent, 1980	208,201,000	
Total, specials	3,194,875,000	
Grand total	4,175,061,000	

[1] Treasury Department does not maintain administrative accounts for this fund, therefore, book value is not available in the Investments Branch.

[2] Market value based on the closing market bid on Oct. 13, 1967, for agency issues and participation certificates and on the closing market bid on Oct. 19, 1967, for public issues.

HOLDINGS FOR THE RAILROAD RETIREMENT SUPPLEMENTAL ACCOUNT, AS OF OCT. 20, 1967

Securities	Face amount
Specials—Certificates of indebtedness:	
4¾ percent 1968	$5,764,000
5 percent 1968	4,781,000
5⅛ percent 1968	343,000
5¼ percent 1968	1,691,000
Grand total	12,579,000

HOLDINGS FOR THE RAILROAD RETIREMENT HOLDING ACCOUNT, AS OF OCT. 20, 1967

Securities	Face amount
Specials—Certificates of indebtedness:	
4¾ percent 1968	$4,067,000
5 percent 1968	1,064,000
5⅛ percent 1968	78,000
5¼ percent 1968	376,000
Grand total	5,585,000

Mr. WILLIAMS of Delaware. These trust funds are invested 100 percent in obligations of or obligations guaranteed by the U.S. Government. A small percentage of the investment portfolio is in marketable Government securities, whereby the book value can readily be compared with the present-day market values; for example, in the OASI trust fund there are $2.8 billion invested in Government securities which today have a market value of about $2.3 billion, thus representing a paper loss of approximately $500 million.

At the same time this trust fund has $22.5 billion invested in certificates of indebtedness; that is, nonmarketable securities. These securities bear interest from 2⅝ percent up to 5¼ percent with maturities ranging from 1968 through 1980. Since these are nonmarketable securities their depreciation cannot very readily be accurately computed; however, based upon the current price of similar yields the market value as compared to the cost to the fund would show a potential loss of between $2 billion and $2½ billion.

The investments of other trust funds show similar potential losses based upon present-day market values.

It is true that if these bonds are held until maturity they will be paid at face value; however, in approving increased benefits under the social security system which are not currently financed but which will be paid from this trust fund it means that to the extent any redemptions become mandatory to finance these benefits, either the fund or the Treasury Department will absorb an approximate 20-percent loss.

To the extent this portfolio is liquidated to pay current expenditures some-

body has to absorb the difference between the original cost and the present-day markets. This is true of all of the various trust funds which are referred to in the tables included in this report, and this point must be borne in mind by the Senate Finance Committee and the Senate.

Mr. BENNETT. Mr. President, I associate myself with the remarks of the Senator from Delaware [Mr. WILLIAMS], who is my leader in the committee.

I share his concern and will join him and vote against the bill.

I think our action today represents an expression of an attitude of fiscal irresponsibility, particularly in the face of what happened in Britain last weekend.

I was shocked that the Senate, in the face of all that, would have added another billion dollars last night in a move that had not been seriously considered by the committee.

It seems to me that sooner or later we will have to face up to the facts of economic life.

After the President this weekend said he is prepared to move against the deficit, we sat here blithely and increased it.

Mr. President, I cannot join in placing a further burden of inflation on the same elderly people whom the bill is supposed to help.

Mr. HARTKE. Mr. President, I certainly intend to vote for the bill. It is a landmark piece of legislation. It is a real accomplishment for this Congress and an accomplishment in the field of social justice that this Nation can be proud of at this time.

The Senate also owes a deep debt of gratitude to the assistant majority leader, the chairman of the Finance Committee, the junior Senator from Louisiana [Mr. LONG]. He patiently and, sometimes under what appeared to be almost exasperating circumstances, continued to shepherd this bill through heavy waters in the Finance Committee. In an extreme case of dedicated service, he stood on the floor and successfully defended that position and, at times even defended positions which I did not want to have defended.

The Senator from Louisiana was very successful on the floor. I think he should be complimented for his fine work.

I also pay my respects to the ranking minority member, the Senator from Delaware [Mr. WILLIAMS]. He certainly knew his facts and figures. We did agree that what we wanted to do was to have an honest presentation of the differences of opinion. He made that possible.

Our success is also due to the fine work of Wilbur Cohen of the Department of Health, Education, and Welfare, Bob Ball, Robert Myers, Chief Clerk Tom Vail, and others.

In my opinion there are still deficiencies. There is still work to be done in future years. We have still not given enough to these people. We should have given them a minimum of at least $100. We should have increased the amount by 20 percent.

Omitting the changes which took place on the floor, which did not seriously jeopardize this measure, I point out that the bill passed by the Finance Committee will produce a surplus of $2,200 million over the amount needed to be paid out in 1968.

That surplus will increase in 1969 under the Finance Committee bill to $3,600 million. In 1970, it will go to $3,900 million. By 1971, it will go to $6,600 million. In 1972 there will be a surplus of collections of $8,600 million over what is needed to be paid out to these people who receive social security benefits.

If there is anything about the bill that can be criticized in real good conscience, it is the fact that it is overfinanced.

The people who cast aspersions at the actuarial soundness of the social security system, frankly, are filled with emotion and have not looked at the figures. If they take a look at the honest figures as they have been presented in the committee, and at these estimates, they will realize that this is a good program for America.

I congratulate all of those who took part in the action on the bill, and especially those who will vote in favor of it.

Mr. LAUSCHE. Mr. President, yesterday we had before us an amendment proposing the acceptance of the House version of what should be done in this field of social service.

I voted for the acceptance of the Senate version, even though it was 2½ percent higher in cost than the of the House version.

The House bill would result in an added cost of 12.5 percent. The Senate committee bill would result in a 15-percent increase in the cost.

When I voted for the 15-percent increase in cost, I thought that that would be the maximum that would be proposed under the bill. However, we know what happened yesterday. Amendment after amendment was offered, and the cost covering social security and welfare benefit increases amounts to, according to my information, about $1.5 billion.

I voted against those increases. I do so because of the financial problems that are confronting the world.

I said yesterday that this subject of devaluation is one that we are not adequately considering.

I am now, however, faced with the responsibility of either voting for or against the bill. I favored the 15-percent increase. My belief is that the added cost put onto the bill yesterday would bring the cost up to 20 percent.

The question is, shall I vote against the whole item because I am in disagreement with what happened yesterday.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LONG of Louisiana. Mr. President, I yield 1 minute on the bill to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized for 1 additional minute.

Mr. LAUSCHE. Mr. President, I have concluded to vote for the bill anticipating that the House conferees will stand firmly by what they proposed and will strike from the bill all of the increases that they were added yesterday.

The PRESIDING OFFICER. All time has expired, and under the previous unanimous-consent agreement, the senior Senator from Illinois is now recognized.

LEGISLATIVE PROGRAM

Mr. DIRKSEN. Mr. President, at this juncture I would like to ask the distinguished majority leader about the schedule so far as the balance of the week, if any, but more particularly so far as next week is concerned.

Mr. MANSFIELD. Mr. President, it is the intention of the leadership, at the conclusion of the vote on the social security legislation, to lay before the Senate S. 2147, the meat inspection bill, which will be the first order of business on Monday, and on which very likely there will be a rollcall vote. That will be followed by the naval vessel loans bill, H.R. 6167. It is my understanding that there may be a rollcall vote on an amendment to that bill.

Then it is anticipated that the Senate will take up the civilian pay raise and postal rate bill, on which there will be a rollcall vote, I am quite sure. That would occur very likely on Tuesday. The military pay raise bill will immediately follow and on that measure there will be a rollcall vote followed by the U.N. resolution pertaining to Vietnam, on which there will be a rollcall vote; foreign aid appropriations, on which there may be a rollcall vote. The elementary and secondary education bill will be called up later that week, though its precise scheduling is not definitive as yet; and, if time permits, other items on the calendar or reported from committee next week, will be considered.

To repeat, Mr. President: For the information of the Senate, very likely there will be rollcall votes on Monday, there will be important legislation all next week; and this colloquy has been conducted for the purpose of informing the Senate of what the actual situation may well be.

Mr. COTTON. Mr. President, will the Senator yield for a question?

Mr. MANSFIELD. I yield.

Mr. COTTON. Can the distinguished majority leader give us an idea of what time the rollcall vote might occur on Monday?

Mr. MANSFIELD. We have tried to keep in mind the peculiar situation that confronts the Senator from New Hampshire. My guess is that with the number of Senators who may wish to speak on the meat inspection bill, the vote would not come before 3 o'clock.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. MANSFIELD. Mr. President, I ask unanimous consent to proceed for 5 additional minutes.

The PRESIDING OFFICER. Does the Senator from Montana request that rule 12 be suspended?

Mr. MANSFIELD. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORSE. Can the majority leader advise me whether or not he believes it is probable that we can get to the elementary-secondary education bill either on Wednesday, November 29, or Thursday, November 30, or Friday, Decem-

ber 1? What I am seeking to learn is whether or not we are going to plan to take it up next week or whether it will go over to the week of December 4.

Mr. MANSFIELD. My guess at the moment is that the earliest possible time would be Friday the first, or early the next week. I will discuss the matter with the Senator from Oregon in the meantime.

Mr. MORSE. I thank the majority leader.

AUTHORITY FOR DISTRICT OF COLUMBIA COMMITTEE AND OTHER COMMITTEES TO FILE REPORTS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on the District of Columbia, and other committees, be authorized to file reports until midnight tonight during the adjournment of the Senate, with individual, supplemental, and minority views.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOCIAL SECURITY ACT AMENDMENTS OF 1967

The Senate resumed the consideration of the bill (H.R. 12080) to amend the Social Security Act to provide an increase in benefits under the old-age, survivors, and disability insurance system, to provide benefits for additional categories of individuals, to improve the public assistance program and programs relating to the welfare and health of children, and for other purposes.

Mr. LONG of Louisiana. Mr. President, Senators have been most cooperative in limiting themselves on the debate so we could reach final passage on this bill. However, certain commitments have been made on this side of the aisle—and perhaps on the other side of the aisle—that have not been kept, and I ask unanimous consent that 4 additional minutes be accorded to the manager of the bill and to the minority leader.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Louisiana?

Mr. HICKENLOOPER. Reserving the right to object, I understood that we had an agreement to vote at 11 oclock.

Mr. LONG of Louisiana. I have requested 4 additional minutes on each side.

Mr. HICKENLOOPER. Will it be 4 minutes and 4 minutes and 4 minutes?

Mr. LONG of Louisiana. No.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Louisiana? The Chair hears none, and it is so ordered.

Mr. LONG of Louisiana. Mr. President, the bill which the Senate will pass this morning will directly affect the lives of more people than any legislation we have acted on this year, or are likely to act on next year. We are providing a very substantial benefit increase for the one out of nine Americans who depend upon their social security check each month. We are making hundreds of thousands of people eligible for social security benefits by reducing retirement age to 60 and by protecting disabled widows and widowers. We are making several improvements in the coverage provisions of the program, and we are making many other changes designed to improve and simplify the social security program, including the medicare provisions.

Perhaps the most significant provisions in the bill, however, are those which would set us on a new road for dealing with the problems in the public assistance programs. The work-incentive program which this bill would establish will, I believe, turn out to be the most far-reaching and significant part of the bill we approve today.

I urge that the welfare workers who serve the recipients under the AFDC program examine these provisions in detail and make every effort to implement them for the benefit of all people dependent upon the AFDC program, but most especially for the children in those families.

The bill will restore fiscal responsibility to the medicaid program. It will also provide many important improvements in the way care under that program is delivered and financed. I believe that many older people who must spend their days in the Nation's nursing homes will find their lot much improved as these provisions take effect.

We have made important improvements in the child welfare provisions of the law—increasing Federal responsibility in this area with special emphasis on day care and foster care of minor children.

We are improving the child health provisions of present law, putting more emphasis on the State role in this program, and assuring that the poor would also have family planning services available to them. In terms of money alone, this is a monumental bill. It will provide benefits and services which will total about $6.7 billion in a full year of operation. The great bulk of these benefits will be financed out of our social security and medicare trust funds. Some will be financed out of general revenue. When I made my opening statement on the Finance Committee bill on November 15, I stated:

> All in all, this bill must rank with the greatest of the social security bills ever placed before the Senate. It proves once again that the Social Security Act is dynamic legislation geared responsibly to its clients—the people of the United States.

Mr. President, that statement is equally true of the bill we vote upon today. Senators have conducted themselves responsibly and with great humanity in the consideration of the many amendments offered to the bill. We take to conference a bill which we all can be proud of. I am hopeful we will be able to prevail on many of the new ideas which we have brought forth in this legislation.

I would like to take just a moment to advise the Senate of the cost of the bill we are acting on. The Senate added benefits totaling over $1 billion in the first full year of operation. This is in addition to the benefits provided under the bill we reported from the Committee on Finance. Of this $700 million is attributable to the old-age survivors disability and hospital insurance program, and a large part of the $700 million relates to the Bayh amendment which would increase the earnings exemption for retired workers to $2,400 per year.

We added $60 million of foster care to the bill. By requiring States to have welfare programs for their unemployed parents we increased the Federal commitment under the welfare program by an additional $60 million a year.

The Prouty amendment, to prevent veterans from losing their veterans benefits because of the social security increases, adds another $90 million to the cost.

Finally, the amendment providing more generous tax benefits for aged persons who incur medical expenses added another $110 million.

Whereas, the bill reported by the committee provided new benefits, totaling $5.6 billion in the first full year of operation, the bill as it now stands involves nearly $6.7 billion.

If one looks at the 1969 impact of our bill rather than the first-full-year impact, he will find that the total cost of the new benefits provided by the Senate bill exceed $7.2 billion.

Mr. President, I ask unanimous consent that a memorandum reflecting the costs of various provisions the Senate added to the committee bill and a table comparing the trust fund contribution income and benefit outgo of the House bill and the Senate bill with the existing law be printed at this point in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

MEMORANDUM

NOVEMBER 22, 1967.

From: Robert J. Myers, Chief Actuary, Social Security Administration.

Subject: Summary of cost effects of social security amendments adopted on Senate floor.

This memorandum will summarize the cost effects of the amendments to the Social Security program that were adopted on the Senate floor during the debate on H.R. 12080. The cost changes will be given in relation to the cost of the Finance Committee Bill.

A. AMENDMENTS TO OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE SYSTEM

The following amendments were adopted that have a significant cost effect:

(1) *Nelson Amendment.* Mother's and wife's benefits would continue after the last eligible child has attained age 18 (or is disabled) if such child is in secondary school. The estimated level-cost of this amendment is .01% of taxable payroll. The increased benefit outgo as a result of this change is estimated at $20 million in 1968 and $40 million in 1969.

(2) *Hartke Amendment.* This amendment modifies the original amendment of Senator Hartke that provides special disability benefits for persons who meet the definition of industrial blindness. The modification permits payment of these benefits even though the individual engages in substantial employment. The long-range level-cost of the program is increased by .01% of taxable payroll as a result of this amendment. There is no cost effect for 1968 because the effective date is December 1968. Benefit outgo for 1969 would be increased by about $15 million by this change.

(3) *Bayh Amendment.* This amendment increases, effective for 1968, the annual exempt amount in the earnings (or retire-

ment) test to $2,400 (as compared with the figures of $1,680 in 1968 and $2,000 in 1969 and after in the Finance Committee Bill). A corresponding change would be made in the monthly test; the "1-for-2" band would be retained at $1,200 above the annual exempt amount. The long-range cost would be increased by .17% of taxable payroll. The increased benefit outgo in 1968 is estimated at about $600 million, while the corresponding figure for 1969 is about $450 million.

(4) *Metcalf Amendment.* This amendment eliminated the more detailed definition of disability contained in the Finance Committee Bill, including the special definition for the newly-added disabled widow's benefits. No increase in cost is included for this change, although it is recognized that there is a much greater likelihood that the experience actually developing will exceed the intermediate-cost estimate, especially as to disabled widow's benefits.

Summarizing the long-range cost effects, the increased level-cost is .19% of taxable payroll. When this is added to the actuarial balance of −.10% of taxable payroll for the system as it would be modified by the Finance Committee Bill, the result is an actuarial balance of −.29% of taxable payroll. This is well beyond the limit of −.10% of taxable payroll that has been established as a measurement of actuarial soundness.

B. AMENDMENTS TO HOSPITAL INSURANCE SYSTEM

The only amendment adopted that has a significant cost effect is that proposed by Senator Miller. This amendment, effective July 1, 1968, would provide for reimbursement to hospitals and extended care facilities to be on the basis of average per diem costs for persons of all ages (rather than on the basis of actual costs for beneficiaries aged 65 and over). In addition, the legislative history indicated the present 2% increase-factor for otherwise unrecognized costs (1½% for proprietary institutions) would be discontinued. The net cost effect is an increase in the estimated level-cost of the program amounting to .07% of taxable payroll. In 1968, the increased cost would be about $100 million with respect to insured persons and $15 million with respect to noninsured persons, while in 1969 the corresponding figures are $220 million and $30 million, respectively.

The actuarial balance of the HI system under the Senate Finance Committee Bill was estimated at +.11% of taxable payroll. Accordingly, the actuarial balance of the HI program as it would be under the Senate-approved bill would be +.04% of taxable payroll, and so the system would be in an actuarially-sound position.

C. AMENDMENTS TO SUPPLEMENTARY MEDICAL INSURANCE SYSTEM

No amendments were adopted that would have a significant cost effect.

D. OASDHI INCOME-OUTGO DATA FOR 1968–69

The following table compares the contribution income and benefit outgo for the combined OASDI and HI systems (both of which are financed by payroll taxes) for 1968 and 1969 (in billions):

Calendar year	Contribution income	Benefit outgo	Excess of income over outgo
1968	$31.2	$29.7	$1.5
1969	36.3	33.4	2.9

ROBERT J. MYERS.

Mr. STENNIS. Mr. President, I commend the Senator from Louisiana for the manner in which he has handled this bill.

I had hoped very much that I could support a social security bill and that I could support the present one. I would support it, except that, as I understand, the House bill provides for $3.2 billion, the Senate committee bill provides, in round numbers, for $6.3 billion, and the bill as amended on the Senate floor provides for $7.8 billion.

Furthermore, Mr. President, no one has a calculation that is considered to be accurate or nearly accurate with reference to the items which have been added to the bill on the Senate floor. The Senate has a duty to retired people, present and future, to protect the retirement system and keep it sound.

I believe that if this situation continues, those who look forward to their retirement benefits, those who will retire 20 years from now, may have a sore disappointment, because the funds will not be there.

I believe we should stop, look, and listen again, before we pass this bill. If it does pass, I hope that a bill will come back from the committee on conference which I can support, one that in my view would be far better for the beneficiaries and for the country, and one that is sound in fiscal responsibility and integrity. If such a bill is presented by the Senate conferees, I shall certainly support it.

Under the circumstances, I am compelled to oppose the bill in its present form.

Mr. HICKENLOOPER. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. HICKENLOOPER. Mr. President, instead of repeating what the Senator from Mississippi has said, I should like to associate myself with his expression.

We are on a most dangerous and disastrous course, if we continue with this irresponsible addition, as we did yesterday, adding $1 billion to the bill.

Mr. STENNIS. I thank the Senator.

Mr. RIBICOFF. Mr. President, this is an historical occasion. The bill upon which we are about to vote provides the largest increase in social security benefits since the inception of the system. It provides new and better directions in our welfare programs. It will help children of America, the old, the aged, and the disabled.

It provides new directions in bringing dignity to the poor, the destitute, and the unemployed.

I want at this time to compliment the chairman of the Finance Committee for his brilliant handling of this bill, both in committee and on the Senate floor.

It is not only one of the most important bills the Senate has considered, it is easily the most complex. Under the guidance and leadership of Chairman LONG, the Senate has considered and adopted over 100 amendments to the House-passed bill. Throughout its consideration, he has shown great understanding, patience, and consideration. This social security bill is, indeed, landmark legislation.

Mr. THURMOND. Mr. President, I am compelled to vote against the pending bill, H.R. 12080, on final passage. The bill, in its present form, is unreasonable and unacceptable from many viewpoints. I want to discuss the major problem, as I see it, with the bill as it now stands.

My primary concern with the bill is that it is an attempt to do too much in one fell swoop with apparently little or no regard for the long-range consequences of what is proposed. Certainly, every Member of the Senate is well aware of the need to increase social security benefits to offset the steadily declining purchasing power of the dollar. I strongly favor an increase in social security benefits and was pleased to vote for the level of increases that was contained in the bill as it was passed by the House of Representatives.

Everyone must also be aware of the fact that when benefits are increased, taxes must be increased to pay for the increased benefits. I support the step increases in taxes proposed in the House version of the bill. It is this particular difference in the two versions of the bill that causes me to oppose the measure as it is now pending for final passage. Both the benefit increases and tax increases proposed in the bill as it was adopted by the House of Representatives are more realistic and provide more flexibility for later improvements, financed by the present method, than the pending version. I am not contending that there will not be increases in social security benefits in the future if the pending version of the bill is adopted. I am saying that when benefits are increased in the future, as we all know they will be, it will be exceedingly difficult to finance the increases other than out of general revenues. When normal old-age, survivors, and disability benefits are once financed out of general revenues, the character of the social security system will have been forever destroyed. It will then be impossible to resist further attempts to expand benefits and to finance them out of general revenues rather than out of the trust fund established for the purpose.

H.R. 12080, as it is now drafted, increases both the tax rate and the wage base to the maximum which most experts consider feasible for such a regressive tax as this one unquestionably is. Under the present law the wage base—the maximum amount of wages or self-employed earnings subject to the tax—remains at $6,600 a year. Under present law the employee tax rate will ultimately go up to 4.9 percent in 1969, to 5.4 percent in 1973, to 5.45 percent in 1976, to 5.55 percent in 1980, and to 5.65 percent in 1987.

Under H.R. 12080, as passed by the House of Representatives, the tax rate is increased over the present law. Under the House bill, the employee rate is increased to 4.8 percent for 1969, to 5.2 percent for 1971, to 5.65 percent in 1973 to 5.7 percent in 1976, to 5.8 percent in 1980, and to 5.9 percent in 1987. The wage base is increased to $7,600 for 1968 and thereafter.

Under the bill now pending before the Senate, the tax rate will be the same as the House-passed bill up to 1980 but the wage base is greatly increased. The wage base will be $8,000 in 1968, $8,800 in 1969, and $10,800 in 1972.

Under existing law the maximum in employee tax which will be reached in 1987 amounts to $372.90 annually. Under the provisions of H.R. 12080, as passed by the House, the maximum employee tax which will be reached in 1987 amounts

to $448.40, and the maximum employee tax under the Senate version of the bill, which will be reached in 1980, amounts to $626.40. Similar burdens are carried by employers, and a proportionate increase will follow upon the self-employed.

It is obvious, then, that under the version of this bill, as it is pending before the Senate now, the saturation point has been reached insofar as the possibility of increasing taxes to finance future benefit increases are concerned. I am concerned that the only alternative will be to finance future benefit increases out of general revenue.

In addition to this point, I am concerned that this bill goes a long way toward overloading the social security system to the point that the benefits that future generations will be entitled to will be placed in jeopardy. The first concern of Congress must be to protect the solvency of the social security fund so that the thousands who retired each year will have no concern about their benefits being paid when due.

Mr. President, the Greenville News of Greenville, S.C., published an outstanding editorial on this bill in its edition of Wednesday, November 15. I ask unanimous consent that this editorial, entitled "Senate Social Security Bill Is Big Fraud," be printed in the CONGRESSIONAL RECORD at the conclusion of these remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SENATE SOCIAL SECURITY BILL IS BIG FRAUD

The Senate gets to work this week on the expanded Social Security bill, which its Finance Committee has turned into a monstrous vote-buying fraud.

As reported out with amendments by the Committee, the bill would provide huge increases in Social Security payments to elderly people early next year. The equally-large or larger tax increases necessary to finance the benefits won't take effect, however, until just after the national elections next November.

The Democrats who control the Senate by a whopping margin can be expected to ram this bill through without major changes. Since it has the endorsement of the Johnson administration, it probably will prevail in the conference committee named to iron out differences between it and the more honest House bill.

There are many things wrong with the Senate bill. The chief thing is the political immorality involved in its fraudulent nature. The fraud works like this:

Approximately 24,000,000 elderly people will get Social Security increases almost immediately. The Senate bill's increases are higher than those voted by the House. Thus the 24,000,000 beneficiaries naturally can be expected to favor the incumbent administration, Congressmen and Senators with their votes next November. After all, who votes against Santa Claus?

Those who must pay for the increased benefits, the millions of workers and businesses, won't feel the bite in their paychecks and profits, however, until after the voting is over. But then they will get it full force, and will continue getting it, heavier and heavier, for the next five years.

The Senate bill will drastically raise the Social Security tax on most workers and all employers by raising the taxable base. It is now $6,600 a year. It will go to $8,000 next year—with most workers not feeling the increased tax scale until after the election. Then in 1969 the tax base will jump to $8,800. In 1974 it will go to $10,800.

Meanwhile, the tax rate on those earned dollars will rise gradually from the present 4.4 per cent on both worker and employer to 5.65 per cent on each by 1974.

In terms of dollars and cents, the maximums on both workers and employers will rise from the present $290.40 a year to $352 next year, $422.40 in 1969 and $610.20 in 1974. The latter figure is more than double the present maximum rate.

The Senate bill is the biggest and costliest Social Security increase in history—with tremendous built-in inflationary pressures. Inevitably it will cause two things:

—Increased prices resulting from increased costs, thus wiping out the "gains" for the elderly "beneficiaries" of Social Security.

—Further hardship on marginal or unskilled workers, who will lose jobs as businesses and industries lay them off in frantic efforts to cut costs. This alarming trend already has been noted as a result of raising the minimum wage scales. The Social Security employment tax increase will speed it drastically, and may cause more poverty than it cures.

In addition the loss of "take-home" pay by millions of productive workers is another blow to the stability of the American middle class, or working class, which already is carrying an unjustly large part of the tax burden. Coupled with the administration's proposed income tax surcharge, it could be a financial disaster for many families already having to borrow money to meet rising costs of feeding, housing, clothing and educating their children.

Going beyond the hardships imposed on taxpayers, the Senate bill moves the Social Security system still closer to the danger of overloading. Sound fiscal experts long have been pointing out that costly "benefits" can make the system so burdensome it will collapse. Now even some liberal spenders are coming around to this view.

One of them, Wilbur Cohen, regarded as the "architect" of Social Security and an exponent of many Great Society programs, expressed some alarm about this in congressional hearings some months ago.

He is coming around to the view that soon the Social Security system must be divorced from the employment tax structure and financed, either partially or completely, by general tax funds. This, of course, would cost as much, or more, and would end the already-discredited illusion that Social Security is a form of insurance and that workers have vested interests in it.

A great many workers will discover in the months and years ahead that their "vested interests" in Social Security exist only at the whim of Congress—and that there are "vested liabilities" as well.

The Senate bill is clear proof that the politicians still regard the average American worker and taxpayer as an uninformed "sucker" who can be fooled by a policy of giving benefits now and taxing them later to pay for it.

It will be interesting to see how individual Senators debate the issue and how they vote on the important tax angles involved in this measure. It will be interesting to see, too, whether the taxpayers will wake up when their Social Security deductions, from which many of them will never benefit, just about equal their federal income taxes, before imposition of the surtax anyway.

Mr. YARBOROUGH. Mr. President, I wholeheartedly support H.R. 12080, the Social Security Amendments of 1967. This bill will be a major landmark in the 30-year history of social security legislation. Over 95 million insured American workers support this program with their contributions, and more than 23 million aged, disabled, widowed, and orphaned Americans depend on their social security benefits for the very essentials of their existence. This bill clearly states to them that we are aware of the need to keep this vital and basic program of the American people up to date in its provisions and effectiveness.

Since the last benefit increase, there has been a drastic erosion of the purchasing power of benefits. This bill will do more than simply restore that erosion. H.R. 12080 takes a firm step toward moving the Nation's basic program for income maintenance closer to the level required in the growing economy of our very prosperous country.

As the wealth of our country has increased, the plight of our elderly has worsened. Many of our older citizens are retiring each year—and many are forced to retire because of their age—into a state of poverty for the remainder of their lives. Estimates of the number of elderly poor are as high as 7 million persons.

One large reason for this is the current inadequacy of our social security program. Over half of the persons retired depend solely on social security benefits, and they are the major source of income for the vast majority of the other half. Those benefits last year averaged $84 a month for each individual—barely $1,000 for a person to live on for a year. In my own State, which as a low wage State has penalized its fine workers, the benefits averaged $64.31 each month, or only $770 per year.

Increased benefits are our greatest immediate need. That one measure can affect more people who are impoverished than any other piece of legislation we have passed. The benefits in this new bill would raise 2.1 million persons out of the definition of poor into a status where they would have a chance to keep their self-respect. And these recipients have earned that right because the contributions from the salaries they have earned have financed their benefits.

These increased benefits would also lessen the general welfare burden. Social security benefits have been so meager that many recipients must depend on old-age assistance. These new benefits will take 200,000 persons off of those rolls. The new minimum level for benefits will still be only $70 a month. No rich gravy will drip from a recipients lips on $840 a year. This raise is certainly not an unjustified cost.

Even in my home area of east Texas, where the living is easier and the prices lower than in many parts of our Nation, there will not be any turkey and dressing for the old folks tomorrow.

These are hard-working people who retired from a productive and useful job, or laid down their plows, to take a well-earned rest; instead, they find themselves living the bleakest sort of shoestring existence. These old people will not enjoy Thanksgiving tomorrow—with fine hams, a fat turkey, lots of good fruit cake and pie and all the trimmings—thousands of men and women over 65 in my State are going to dine on corn bread, and beans, and rice and chicken necks. These are some of the finest men

and women to inhabit the earth, but what have they got to be thankful for if we turn our backs on them? We must approve this bill, and we must do all in our power to see that our view prevails in conference committee meetings, with Members of the House. I would hate to have to eat for a month on the present minimum level of $44, much less feed a family, pay rent, buy clothes, and pay drug bills.

Our system can certainly support such an increase, for it is fiscally sound. There has been a great deal of misunderstanding about the actuarial soundness of social security. Our elderly citizens have been caused unneeded apprehension by misrepresentations in scare articles that periodically appear in magazines. For example, the National Council of Senior Citizens informed me that an article in the October Reader's Digest caused great and unnecessary alarm.

But the facts are clear. The system, under the present law, will provide an estimated surplus of revenue over benefits of $4.1 billion for 1968. No one need fear that he will not receive his full benefits, or that our system cannot withstand this new expansion.

The system would be sounder with an eventual and gradual change to general revenue financing. The tax on payrolls has been so regressive that many of our low-income workers pay more now in social security taxes than they do in income taxes. And as we provide necessary benefits to those who cannot contribute through payroll deductions—for example, the blind and the disabled—general revenue financing becomes a far more equitable means of raising revenue. To establish a really solid floor of protection for our elderly citizens we need to be fair to our productive employees and share the responsibility for finance through general revenue.

But as long as we continue to finance through payroll deductions, a provision was needed to increase the earnings and contributions base. A level of $10,800 would mean that easily 90 percent of our employees would receive benefits based on everything they earn. When social security was initiated, this was intended, but the growth in workers' incomes has left a severe gap in comprehensiveness that must be closed. This provision would mean, for a man of 50, an increase of at least 40 percent in his benefits by the time he retires.

A cost-of-living provision would also add to the soundness of the system by protecting recipients against inflation. The last two increases in benefits that were enacted barely kept our elderly on even ground. When they must live out their lives dependent on social security payments, they can be irreparably crippled by a loss of purchasing power due to inflation. With a built-in cost-of-living provision, the benefits would respond to increases shown in the Consumer Price Index.

The raise in minimum benefits will help all those who are affected by social security or old-age assistance. They were needed to keep our system of social security true to its purpose and responsible to our citizens who ask only that they be able to live out their lives in self-respect.

This significant new bill also includes several amendments relating to public assistance which are a substantial contribution. Coercive aspects have been struck from the House version, particularly as they relate to unemployed mothers, and fathers of dependent children. Schemes for compulsion are not a constructive prospect for public assistance and were rightly struck. Punitive provisions would have been used by many to degrade and demean recipients.

More important, they would continue to weaken our family strength in America. Before these amendments, provisions would have punished unemployed fathers who wanted to live with their families, and would have penalized mothers who wanted to care for their children rather than work. Under this bill, employment, where it is desirable, would be encouraged through positive training programs and work incentives, not compelled through force.

Another provision added by the Senate would provide a constructive means by which welfare recipients can be given needed employment, thus enabling them to get off the welfare rolls. We all know of the critical shortage of social workers and others needed to provide vital services to the poor. We also realize the quantity of services needed. By hiring welfare recipients as subprofessional aides to work on their own problems, we increase the number of persons providing services; we increase the quantity of services provided; we utilize persons who will be most sensitive and responsive to the psychology of the poor; we enable the unemployed to learn a highly transferrable skill; and we provide a constructive and honorable encouragement to many currently on welfare to seek employment.

My enthusiasm for the improvements in social security that would be made by H.R. 12080 is quite obvious. Without detracting from the great value of the bill or from my enthusiasm for it, I would point out that one provision needed under the social security laws is again omitted from the bill. A large group of workers who need to benefit more fully from the social security improvements in the bill are our farm employees.

Many farmworkers have only short-term employment, scattered among several farms, and, because they get relatively low pay, their earnings are not creditable under social security. This happens because the amount earned from any one employer is not enough to meet the farmworker coverage test in present law. We will eventually correct this deficiency.

In summary, the bill provides vitally needed increases in benefits to our retired citizens. And it does it in a way to insure continued fiscal soundness and responsibility. The system provides that those on welfare will not be degraded or demeaned and, in fact, this bill will take many persons out of the definition of poverty and off the old-age assistance rolls. The result of this bill will be that our elderly citizens, who have contributed so much as wage earners and productive citizens, will be given a better chance to live out their retired years with a fair measure of dignity and self-respect.

Mr. KENNEDY of Massachusetts. Mr. President, this bill is landmark legislation. The increase in social security benefits, the largest ever voted, will immediately raise more than 1.5 million senior citizens above poverty level, for the first time. It will mean that more than 200,000 seniors will be taken off the public assistance rolls.

But the raised benefits and broadened coverage of this bill do more than change the lives of the poorest of our senior citizens. The bill will also have an immediate effect on the lives of millions of other Americans—as there are now 23 million Americans receiving benefits under the various provisions of the Social Security Act. As examples, 92 out of every 100 people now reaching age 65 have retirement protection; 87 out of every 100 persons age 25–64 have disability protection; and 95 out of every 100 children and their mothers have survivor protection.

As an example of the wide-ranging nature of the benefit increases, under present law a retired couple's social security benefits, if the average monthly earnings had been $450, is $219. The Senate bill would raise this monthly benefit to $251.90. It would increase the minimum benefit, for a couple, from $66 to $105.

Just as the bill has great importance for all Americans, it has importance to those citizens of Massachusetts who receive benefits under the various provisions of the Social Security Act. The statistics on the number of recipients in Massachusetts give some idea of how great the involvement of social security is in the lives of the people of Massachusetts: 49,700 people receive old-age assistance; 2,300 people receive aid for the blind; 13,300 individuals receive aid for the permanently and totally disabled; 31,900 families with 90,000 children receive aid to families with dependent children; 650 families with 2,500 children receive aid to families with dependent children because one or more of the parents were unemployed; 16,800 individuals receive general assistance; and 2,623 individuals receive work experience and training, which means a great reduction in public assistance expenditures.

I would point out that these figures reflected the status of the programs in May of 1967, but that they are accurate reflections of the extent of overall activity today.

There are a number of provisions in this bill about which I am particularly pleased. One of these is in section 243c, which requires that States establish programs for licensing the administrators of nursing homes if they are to receive title 19 medicaid assistance. This amendment is an outgrowth of a bill I introduced in the 89th Congress, which was the result of extensive investigations we in the Senate Special Committee on Aging made in 1965. In those hearings, we uncovered many abuses in the field; we also learned that the vast majority of the nursing home industry is responsible and concerned. The amendment which

appears as section 243c was worked out in consultations between myself, the American Nursing Home Association, and the Department of Health, Education, and Welfare. It is a major step forward in our fight to bring the highest quality of medical care to all our citizens.

As chairman of the Subcommittee on Federal, State, and Community Services of the Special Committee on Aging, I am especially interested in another of the provisions of the bill, one which has not received as much attention as some of the other provisions. It is section 212, which begins at line 20, page 302. This section would permit the purchase of such services as homemaker or rehabilitation services for elderly recipients of public assistance.

The need for such an amendment to our welfare statutes was indicated in a study and hearing conducted by the Services Subcommittee in late 1965 and early 1966. We found that one impediment to the development of services needed by older public assistance recipients was the prohibition in the Public Welfare Amendments of 1962 against the purchase of certain services, such as homemaker services, from nongovernmental sources. We found that, consequently, the State or local welfare agency that wishes to provide a particular type of service to its elderly public assistance clients must either purchase the service from another Government agency, or create its own organization for doing so, even though there is already in existence a competent nongovernmental organization which is rendering the service for a charge.

Where there are insufficient numbers of clients needing such a service to make a public service agency economically feasible, this can mean that the welfare agency must face the dilemma of either refusing to provide the service, no matter how much it might be needed, or providing it at an exorbitant cost.

To solve this problem, our subcommittee recommended that public welfare agencies be permitted to purchase services from private service organizations, when it is most efficient and economical to do so. It is a source of great personal satisfaction to me to see in the bill a provision which would accomplish this desirable objective. If it becomes law, it will enable our State and local welfare agencies to render more and better services to the elderly on public assistance at less cost.

Another amendment, which appears as section 124a, would permit the Secretary of Health, Education, and Welfare to terminate the social security coverage of employees of the Massachusetts Turnpike Authority at the end of any calendar quarter following the filing of notice as required by section 218(g)(i) of the Social Security Act.

This amendment to existing law is the product of amendment No. 423, which I introduced on October 25, 1967, and certain changes suggested during consultations among representatives of Health, Education, and Welfare, the Finance Committee staff, and myself. It is very important to the 950 employees of the Massachusetts Turnpike Authority, and for that reason I was glad to introduce it when it became apparent that only legislation could bring the benefits of the new State retirement system to these employees without imposing a harsh double payroll tax on them for 2 years.

The three provisions I have just mentioned were included in the committee bill. Yesterday, I introduced an amendment on the floor, a modified version of my amendment No. 459, which was accepted by the Senate. It would require the Secretary of Labor to carry out a year-long study of the feasibility of family and child allowances, reporting back to the President and the Congress on January 15, 1969. This can be a very important study for the future of American society, and I sincerely hope that the House conferees will accept it.

Let me close by saying how pleased I am that the Senate has so overwhelmingly accepted the increases provided in this bill. We are a country of uncounted wealth, and we should simply not tolerate those among us who are too old, too young, or too weak, having to live their lives in want and despair. This social security bill is one way their lives can be improved, and I think it is a profound step forward.

Mr. MOSS. Mr. President, the measure we will pass here today in the Senate is indeed landmark legislation. The improvements it makes in the social security system are the most far reaching and realistic we have adopted in many years. The bill fully recognizes the exigencies of the times in which we live, and comes closer to meeting the needs of our elderly, our disabled, our families with dependent children, and all American citizens who must depend on welfare, than any amendments we have passed since the original social security bill was adopted in 1935. I commend the members of the Finance Committee for the painstaking work they have done, and for the sound and comprehensive measure they sent to the floor.

The amendments provide for a 15-percent across-the-board increase in social security benefits. This will mean the difference between simply existing and having a few more of the necessities of life to many of our elderly. There is no doubt that the present level of social security payments is inadequate. The cost of living has gone up considerably since the payment level was established, and many of our old people are suffering. Social security payments to some are as low as $44 a month. Many people have tried to save during their earning years to supplement their social security benefits, but most older people have precious little. Certainly, no one can be expected to live on $44 a month on today's market. The bill we are now considering would provide for a minimum social security benefit of $70 a month—a small raise in terms of dollars, but one which could provide for a couple of extra bags of groceries, or some urgently needed medicine.

The committee has shown its high level of responsibility by fully increasing social security withholding taxes to cover the cost of the raise in benefits, and to keep the social security trust fund on an actuarily sound basis. Many people seem to believe that the country is going into the red to make these extra social security payments. This, of course, is not true. The increase in social security taxes—a gradual increase over several years—will fully cover the cost of the new benefits. I am sorry there has to be any social security tax increase at all, but those who are working now will find that the increases in benefits are most welcome to them when they retire, and will get back the money they have paid into the system within a few years.

I am very much gratified that the level of social security payments adopted by the Finance Committee was the one I recommended in testimony before them. I felt that the House-recommended figure of a raise of 12½ percent was not adequate and that we could well afford the few extra dollars which the 15-percent increase would provide. I urge the Senate conferees to stand firm for this amount in the House-Senate conference committee.

I am also gratified that one other amendment which I suggested to the committee has been adopted. That is my amendment which deals with long-term care, and particularly nursing home care, provided to the aged under title XIX of the Social Security Act. The need for it became apparent in hearings I have held as chairman of the Subcommittee on Long-Term Care of the Senate Special Committee on Aging and in other studies done by the subcommittee.

This amendment provides increased assistance to the elderly who must stay in nursing homes for treatment and care. A substantial part of the amendment was adopted by the committee, and it was strengthened by the inclusion of the reasonable cost feature in the floor amendment offered by the Senator from Iowa [Mr. MILLER] and adopted during the debate on the bill. I also urge the Senate conferees to make every effort to have the House agree to this amendment—only time will prove how very substantially we can use its provisions to help our elderly sick welfare patients who are in nursing homes, and how much more equitably and fairly we can deal with the nursing home proprietors who take these elderly patients into their care.

The measure before us has my strong support, Mr. President, and again I compliment the committee on a job well done.

Mr. KUCHEL. Mr. President, on behalf of the Senator from Vermont [Mr. PROUTY] who is necessarily absent, I ask unanimous consent to have printed in the RECORD a statement prepared by him.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR PROUTY

Last week in my opening speech I commended the Finance Committee for its efforts and applauded the result of its work—the Social Security Amendments of 1967. Today I would like to reiterate my praise for all members of the Senate Finance Committee from both sides of the aisle who labored long and diligently to produce legislation of such superior quality.

I am particularly grateful to the distinguished Senator from Louisiana, Mr. Long, for his fair and bipartisan conduct of the debate. The Senator from Louisiana while justifiably proud of the bill his Committee produced, was nevertheless always open to suggestions for improving it. In fact, he accepted several important changes, among which was an amendment I offered allowing veterans to benefit from Social Security increases.

Mr. President, all of us in this body can take pride in the Social Security Amendments of 1967. The provisions contained in these amendments, when enacted into law, will alleviate hardship and suffering among millions of older Americans. This bill will be viewed by our senior citizens as a renewed pledge of commitment to the goal of securing adequate benefits for them during their retirement years.

The debate over the Social Security amendments and the amendments themselves are of historical importance as well as being significant and laudable. I say this for three reasons.

First, Mr. President, we have for the first time in many years provided not only for large across-the-board benefit increases, but we have also substantially increased the minimum base of benefits. I might point out, Mr. President, that the inclusion of these provisions is especially gratifying to me since I have advocated similar action since 1961. In fact, the only difference between bills which I have offered since 1964 and the present bill is that my proposal granted beneficiaries in the lower social security income brackets ($100 and under) proportionately larger increases than those in the higher brackets.

Second, Mr. President, the Finance Committee has demonstrated increased concern for individuals who reached retirement age before their occupations were covered by social security, and who, therefore, have no social security coverage. The precedent for increasing coverage toward universality by "blanketing-in" individuals not, now eligible for benefits was estabilshed last year when my amendment extending benefits to retired individuals over age 72 was adopted by the Senate. I was pleased that the Committee not only retained these benefits but acted to increase the amount of benefits.

Third, Mr. President, two matters of vital importance were discussed during the course of the debate on the Social Security Amendments. I refer now to the fact that social security is at present over-financed and to the related issue of financing through the use of general revenues.

In our recognition and concern over the fact that at our present rate of taxation, the Social Security Trust Fund is overfinanced, the distinguished Senator from Louisiana, Mr. Long, and I stand close together. Senator Long agreed with my position the other day when he said:

"Our bill does not underfinance it. If we are subject to any criticism, it would be that of the Senator from Vermont that we are putting too much in; not too little."

Using the recognized indisputable fact that a surplus presently exists in the Social Security Trust Fund as a starting point, I argued that taxes need not be raised a substantial amount in the near future. While the Senator from Louisiana did not concur with this aspect of my reasoning, he kindly gave me an opportunity to enunciate my position.

Although my amendment which would have retained the present rate of taxation and provided for financing out of general revenues in case of deficit in the trust fund garnered only six votes, I felt that it succeeded in another important respect. As a result of the debate on my amendment, a public debate on the question of partial general revenue financing for social security was opened.

Some individuals have asserted and will continue to assert that general revenue financing would mean the destruction of the social security system. I believe that nothing could be further from the truth. As the distinguished Senior Senator from Delaware, Mr. Williams, has pointed out, we must be prepared to pay for any social security benefits which we enact. I for one believe that paying for these benefits out of general revenues is, over the long run, a more equitable and realistic method of financing. I am certain that in the years to come, more and more Senators will come around to my way of thinking as they did with regard to the $70 minimum benefit.

Despite many improvements in the Social Security law, *all* inequities have not been removed, nor have *all* necessary improvements been made. I was disappointed that several of my amendments were not accepted.

Mr. President, the bill we pass today is, I think, a very good one. Basically, it is the fine work of the Committee on Finance, under the able leadership of the Senator from Louisiana.

The membership of that Committee certainly deserves the thanks of the American people for having reported to the Senate such a fine bill. Their work certainly deserves our support.

All of us in this body will be able to take pride in our accomplishments in the field of Social Security if we enact this bill into law. We can be proud that we have done something for many deserving older Americans. But, even more important, we can take pride in the fact that through constructive action and debate we have laid the foundation—perhaps even built a framework for future action.

Again, I congratulate the Finance Committee for its work and pledge my support to the bill.

Mr. BYRD of West Virginia. Mr. President, I have just been advised that our colleague, Senator McGOVERN, of South Dakota, will be unable to vote on final passage of H.R. 12080, the Social Security Amendments of 1967, because his flight into the city this morning has been delayed by inclement weather. He will be announced in favor.

I think it is appropriate to make reference at this time to Senator McGOVERN's diligent efforts on behalf of the bill and a number of its specific provisions—in particular the increase in the amount a social security recipient may earn without having his payments reduced.

Mr. McGOVERN is author of both a separate bill and an amendment to H.R. 12080 to remove the outside earnings limitation completely. The committee raised it from $1,680 in the House bill—compared to $1,500 under existing law—to $2,000, and the Senate last night adopted an amendment offered by Senator BAYH to move it up to $2,400. The energies and persuasive arguments that Senator McGOVERN has advanced on behalf of this change have unquestionably been a significant factor in its accomplishment.

AFDC CASE OPENINGS

Mr. President, much has been said during the past 2 days about men being forced to desert in order to qualify their families for public assistance.

While one cannot say with assurance that this has never happened or that it does not happen or that it will not happen in the future, I doubt that the true facts, nationwide, would substantiate that the situation is as bad as some people maintain. The Subcommittee on Appropriations for the District of Columbia, of which I am chairman, annually goes into the matter pretty thoroughly, and insofar as the District of Columbia is concerned, the record will show that the number of AFDC case openings based on the absence of a parent has been steadily going downward over the past 10 years.

For example, case openings based on the absence of a parent—due to leaving home and stopping or reducing support and as a result of death or incarceration—have dropped from 52.6 percent of the openings in 1956 to 25.6 percent in 1967.

Case openings due to absence of parents—excluding death—dropped from 50.1 percent in 1956 to 24.3 percent in 1967.

The true picture, of course, is best gleaned from the statistics based on case openings because of the absence of a parent due to his leaving home and stopping or reducing support—with incarceration and death excluded. These statistics have not been kept by the Department of Welfare in the District of Columbia prior to fiscal year 1966. However, the record shows that only 22.9 percent of the AFDC case openings in fiscal year 1966 were based on the absence of a parent—excluding incarceration and death—and this figure dropped to 18.9 percent for fiscal year 1967.

Even in those cases where the parent absented himself by leaving home and stopping or reducing support, it cannot be said that all of such cases resulted from the desire of the absent parent to qualify his family for welfare. Many well-thinking people ascribe the parent's action in absenting himself to the humanitarian motive of providing for his wife and offspring. In other words, he is unable to get a job, and, faced with restrictive welfare regulations, he is forced to leave home and fireside in order to make his loved ones eligible for assistance.

The truth of the matter is that in all too many instances the husband or paramour, whichever the case may be, simply does not want to bear the responsibility of maintaining the woman and children, so he leaves them. Not all of the absenting husbands and fathers are unable to find employment. Many of them are allergic to work and, as the record has often shown, have lost good jobs repeatedly because of absenteeism from work. In many situations, fairly good jobs go begging, and there is no justification for absenting parents not making an honest effort to secure and hold down some of these jobs.

I think it may be helpful, therefore, to place in the record statistics supplied by the District of Columbia Department of Welfare concerning AFDC case openings based on the absence of a parent during the past decade. In this regard, it may be well also to read into the record a brief excerpt from a letter written by the Frederick County, Va., Fruit Growers Association, which was submitted to the Senate Agriculture Committee in 1965. The letter, in part, reads as follows:

Our association attempted to recruit in Washington, D. C. Cards were sent to over 600 men listed as having previous agricultural experience to report for interviews; 120 men came in and on finding that these jobs were for more than a single day only 22 remained. Of these, 18 accepted bus tickets to the job. Only 17 reported for work. By the end of two weeks only four remained and none completed the season.

Mr. President, Tolstoi may be remembered for many excellent sayings, one of which I shall cite as being pertinent to my subject:

The more is given, the less the people work for themselves. And the less they work, the more their poverty will increase.

I ask unanimous consent to have printed in the RECORD the table on AFDC case openings to which I have alluded, that table having appeared on page 2308 of the fiscal year 1968 printed hearings of my Subcommittee on the District of Columbia Appropriations.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF PUBLIC WELFARE, DISTRICT OF COLUMBIA—NUMBER OF AFDC CASE OPENINGS BASED ON THE ABSENCE OF A PARENT

Fiscal year	Percent of openings		
	Absence of parent due to leaving home and stopping or reducing support (excludes incarceration and death)	Absence of parent due to leaving home and stopping or reducing support and as a result of incarceration (excludes death)	Absence of parent due to leaving home and stopping or reducing support and as a result of death or incarceration
1956	(1)	50.1	52.6
1957	(1)	50.3	52.5
1958	(1)	46.2	47.9
1959	(1)	44.0	46.1
1960	(1)	38.1	39.6
1961	(1)	33.7	34.9
1962	(1)	29.8	31.4
1963	(1)	29.0	30.3
1964	(1)	30.0	31.7
1965	(1)	29.1	30.5
1966	22.9	26.1	27.9
1967	18.9	24.3	25.6

[1] Not available.

Source: DPW research and statistics; DPW annual reports.

Mr. KENNEDY of New York. Mr. President, in the course of consideration of this legislation (H.R. 12080), I introduced two amendments (No. 412 and No. 466) concerning the cost of medical care. I have not asked for a rollcall vote on either one, for reasons which I shall explain. Nevertheless, I should like to discuss these amendments, because both deal with a problem which is becoming increasingly serious in our Nation: The cost of medical care.

The debate over medicaid in Congress this year has revealed deep and widespread concern over the unexpectedly high costs of the program. I share this concern. We cannot be blind to the question of cost, considering the many demands that are made on the Federal Government's limited resources. Nor can we be deaf to the protests of our citizens against the tax increases that medicaid has necessitated in some areas.

But I do not share what seems to be the view of many that the high cost of medicaid should be dealt with merely by drastically limiting the program. Eloquent testimony to the need for Government supported medical care is provided by the distressingly poor performance of the United States among the nations of the world in reducing infant mortality, increasing life expectancy, controlling controllable forms of cancer, and so on. And the need has grown greater, not less: In 1950, our infant mortality rate was fifth lowest in the world; in 1961, we were 11th; we now rank 15th, behind all of the industrialized nations of Europe.

Moreover I think our people agree with me that we must have such a program; 40 States and jurisdictions containing over two-thirds of our population have had medical assistance plans approved by the Secretary of Health, Education, and Welfare under title XIX.

I believe that substantial reductions in the cost of medicaid to the Federal Government and to the States and counties can be realized by other means than limiting eligibility under title XIX. My conviction is based on the widespread judgment of students of our medical system that that system is characterized by grave inefficiency. In other words, the high cost of medicaid is only an instance of the high cost of medical care generally.

Over the last year and a half, the charges of providers of medical services, which have consistently increased at a rate far steeper than the total consumer price index, have risen more steeply still. The figures are most striking. I am informed by the Bureau of Labor Statistics that its forthcoming index for the third quarter of 1967 will show physicians' fees increasing to a level nearly 8½ percent higher than that of 1966. The recent increases in hospital care costs make even that figure pale by comparison; in the first 9 months of this year, they reached a level 20 percent higher than that of 1966.

The burden that is dramatized by these statistics is being borne by all of our citizens, not just those whose medical expenses come to our attention because we are helping to pay them under title XIX. If we in Congress are shaken by the doctor's bill that has been submitted to the Government, so must our citizens be shaken by the bills that they are receiving.

The question raised by these startling figures is whether such increases in the cost of medical care are warranted. Can we say—or can those responsible for these increases say—that they are justified? Is it inevitable that the provision of health care at current levels should cost what it does? Will the expansion of medical care contemplated by title XIX entail a never-ending series of reports from the Bureau of Labor Statistics describing 8-percent increases in doctors' fees and 20-percent jumps in hospital charges?

The fact is, Mr. President, that unless we establish some limits on Federal reimbursement under title XIX, we will have to contemplate just such a series of reports.

What information we have suggests that the cost increases we have suffered are not justified by gains in productivity of our medical services and institutions. In the words of the recent report by the Department of Health, Education, and Welfare on medical care prices, "at present, hospitals have inadequate incentive to be efficient." The same is true of physicians; since they are not constrained by market pressures in any great degree, they also have little incentive to minimize their charges.

There is also mounting evidence that the impact of title XVIII and title XIX has been to accentuate existing inefficiencies, because they provide for reimbursement of costs—all costs, any costs. To be sure, the statutes speak of "reasonable cost"; but it is an open secret that in practice almost any costs have been deemed reasonable costs. The lack of any meaningful standards governing reimbursement has only intensified the inefficiency of a medical system in which charges have traditionally been determined in a random way. This is not surprising. Hospitals and physicians have historically enjoyed an extraordinary freedom from consumer and governmental scrutiny, and they have not felt impelled in the absence of such scrutiny to devise rational pricing mechanisms.

But we are entering a new era in medical history, in which the consequences of continuing this freedom could prove ruinous to the general public and to the Government.

Mr. President, it is intolerable that the expansion of these vital and humane Federal programs should be the occasion for a massive inflation of medical costs. To prevent this, I offered an amendment to title XIX requiring State medical assistance plans to provide fee schedules for both hospital and physician care. That was amendment No. 412. It would have assured that the spread of medicaid does not produce a further inflation of medical costs.

In the case of hospitals, this amendment would have limited acceptable per diem charges to the level of either the local Blue Cross agreement or applicable medicare rates, whichever is lower. This would place a reasonable ceiling on hospital reimbursement under medicaid.

The second part of this amendment would have attacked the rising cost of outpatient care. In large cities, it is increasingly common for outpatient visits to cost $20 to $30—one-third the charge for inpatient care for a visit that may

last only 5 minutes. This amendment would require the State to set a ceiling on payments for such visits, stated as a percentage of the inpatient per diem.

The third party of the amendment dealt with payments to physicians, dentists and allied professions. Its basic requirement was that the fee schedules must be based on the average level of fees charged in the area over the 10 years previous to the adoption of the plan, as weighted by increases in the total consumer price index. This would have prevented rapid increases in response to the adoption of a plan. The standard of customary and usual fees in use under title XVIII has not had this restraining effect—although it may have been intended. I think we must assure, as this provision would have demonstrated continuity between fees charged prior to the plan's adoption and fees charged thereafter.

Mr. President, I believe that this proposed represented a major step forward in controlling the cost of medicaid by other means than a wholesale curtailment of its benefits. However, it was not adopted by the committee, which decided instead that it would investigate the medical cost problem in the coming months. Such a study is badly needed.

Indeed, I had also intended to call for the creation of a Joint Congressional Committee on the Cost of Medical Care. My amendment No. 466 provided for a 12-member committee drawn from the House and Senate to conduct a year's study.

However, Senator HILL and Senator LONG of Louisiana tell me that they are also deeply concerned about the explosion in medical costs, and that their committees intend to examine the matter in a searching way during the coming year. Senator RIBICOFF tells me that he intends a similar inquiry in his Executive Reorganization Subcommittee.

Therefore I did not press for a rollcall on my amendment creating a joint committee.

Mr. President, we desperately need such a wide-ranging demanding and imaginative investigation by the Congress of the problem of medical costs. At its recent annual meeting, the American Public Health Association passed a resolution urging the Congress to make such an investigation. In its report, the Finance Committee expressed its intention to review the reimbursement procedures for medicare and medicaid. Such a review is badly needed. But I hope we shall have a far more extensive inquiry, reaching the underlying question of how the costs that we reimburse are generated.

It is my belief that a thorough inquiry into the delivery of medical services would show that the staggering costs incurred by the public generally and by the Government in paying title XIX bills are not inevitable. I believe it could point the way to reforms that would permit the extension of better, cheaper medical care to all our citizens—including those whose care is supported by the Government.

For the question of costs is bound up with the question of how medical services are provided. Congress' investigation will show that it is not medical care that is expensive, but the system we have for providing it.

Last Sunday, I discussed the inefficiency of our medical system in a speech at the Albert Einstein School of Medicine. Coincidentally, similar views were expressed the next day when a report to the President by the National Advisory Commission on Medical Manpower was released. The Commission's report concluded that—

Because the present system channels manpower into inefficient . . . activities, added numbers . . . cannot be expected to bring much improvement.

Mr. President, I ask unanimous consent that my remarks on Sunday and two newspaper accounts of the HEW report be inserted in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 1.)

Mr. KENNEDY of New York. Mr. President, it is estimated that we are now spending $50 billion a year for health services. We have no idea what this staggering sum is purchasing; we have no idea whether the same amount of care could be provided for less if it were provided in a different fashion, or whether that $50 billion could buy greatly improved care if the system into which it is poured were differently constructed. The various levels of government in this country are contributing an ever-larger share of this $50 billion, a revolutionary fact in our social history, but those governments have taken barely a single step toward assisting the medical system to deal with the implications of that revolution. We should not be astonished if a 19th-century system heaves and strains under the weight of 20th-century needs.

In my judgment we would fail to meet the crisis in medical costs if we contented ourselves with merely restricting eligibility for medicaid, as we have done in this legislation. If, as I believe, the cost of medicaid has merely pointed up the existence of a pervasive problem in our society—if it is a symptom and not the disease—then we are obligated to examine the root causes, and to treat the problem at its center. If the problem is costs, let us look at costs. Let us see if we can control these costs so that we not only redeem our promise to the beneficiaries of medicaid but protect the American people from an inflation they cannot halt, in prices they cannot refuse to pay. That is the task that lies ahead.

EXHIBIT 1

[From the Washington Post, Nov. 21, 1967]

NATION IS WARNED OF HEALTH CRISIS

(By Thomas O'Toole)

The Nation is in the midst of a "health crisis," said a presidential commission yesterday—one that will worsen unless the country undertakes a sweeping reform of medical schools, hospitals, health insurers and even the way doctors themselves are licensed to practice.

The crisis we find ourselves in, said the National Advisory Commission on Health Manpower, whose 15 members (eight of them doctors) have studied the status of health services since May, 1966, is one brought on by a lack of leadership and an unwillingness to change within the health establishment.

The results, said the Commission yesterday in a report to President Johnson, are long waits to see a doctor, hurried, impersonal attention once the patient is seen, a shortage of hospital beds and services, uneven distribution of care and costs rising sharply "from levels that already prohibit care for some and create major financial burdens for many more."

To challenge this "crisis of care," the Commission recommended no fewer than 58 major changes in the way the U.S. health care system is to work. And while asking for voluntary acceptance of its proposals, the Commission nonetheless indicated they might have to be enforced.

"Unless these changes are accomplished more quickly than has ever been possible in the past," the Commission warned, "a more serious health crisis is inevitable."

Among its 58 curatives, the Commission prescribed a few sure to stir controversy for years to come:

For doctors and dentists: Back-to-school refresher courses or periodic examinations for renewal of their licenses to maintain their skills and guard against malpractice and "unnecessary or overly expensive tests and treatments" by some.

For hospitals: Financial rewards for efficiency and quality care sufficient enough "to make it unprofitable for a hospital to reduce quality and community service just in order to lower costs."

For health insurance organizations: Encouragement to revise their payment procedures to share savings with hospitals and individual physicians who demonstrate medical ability.

For medical and dental schools: Incentive grants to those who raise their output of doctors and dentists and a denial of funds to those who do not.

For medical and dental students: Direct financial aid over their course of study, internship and residency, with an option to repay the loans over a long term or through direct governmental service, either in the military, Public Health Service or a Poverty Corps for doctors.

While these last two recommendations are clearly to increase the supply of health professionals, the Commission insisted they were made to meet future needs and expansion.

"The crisis at the present time," it said, "is not simply one of numbers," to raise the number of practicing doctors, dentists, nurses and auxiliary personnel. "We must first improve the system through which health care is provided."

One way to improve the health care system, recommended the Commission, would be to draft doctors through the communities where they work instead of through their own home towns.

So outdated is the present method of Selective Service that it has left some towns with overnight doctor shortages. Not long ago, a Commission member said, Vanderbilt University Medical School was left without a Pathology Department, when its seven-man staff (from seven different states) was drafted all at once.

Perhaps the best way of upgrading the health care system, the Commission said, would be through what it calls a "peer review" system, certain to be one of the most controversial of the Commission's proposals.

What the Commission would like to see in the U.S. is a series of review boards, at the city, county and state levels, at the hospital level, and at the health insurance organization level.

In effect, these review boards—made up of prominent physicians and health officials—would demand that doctors and hospitals account for their actions.

Besides peer review, the Commission made other specific recommendations to improve the health care system. Among them:

Gradually disapprove and phase out the Third Preference part of the immigration

law that each year admits 7000 new foreign medical graduates into the U.S., where almost 20 per cent of all new medical licenses given each year go to foreign-trained doctors. Not only are these doctors poorly trained by U.S. standards, claims the Commission, their entry into the U.S. represents the "worst kind of brain drain" in the world today.

Give the highest priority to improving health care for the poor and needy. "No clear-cut solution for care of the disadvantaged has been developed," the Commission concluded. "We urge that experimentation be markedly expanded with recognition of the special problems of this segment of the population."

[From the New York Times, Nov. 21, 1967]

BROAD CHANGES IN MEDICAL CARE URGED FOR NATION—PRESIDENTIAL ADVISORY PANEL SAYS ALTERATIONS ARE VITAL IF CRISIS IS TO BE MET—WOULD RETEST DOCTORS—ECONOMIC INCENTIVES ASKED FOR HOSPITAL IMPROVEMENT—PREPAID PLANS PRAISED

(By Harold M. Schmeck, Jr.)

WASHINGTON, November 20.—Basic changes in American medical practice and health care were recommended today in a report submitted to President Johnson.

Economic incentives should be offered hospitals, the report said. Periodic re-licensing of physicians to insure competence and quality should be considered, it said and doctors' performance should be reviewed routinely by panels of their peers. Pre-paid comprehensive health care arrangements received favorable comment.

Mr. Johnson said the report would be required reading for his Cabinet members. He said he hoped the document would also be widely considered outside the Government.

The report, by the National Advisory Commission on Health Manpower, said that there was a crisis in American health care and that vast increases in manpower and money would be of little use unless the system itself was changed.

GOVERNMENT NOT ENOUGH

"Because the present system channels manpower into inefficient and inappropriate activities, added numbers by themselves cannot be expected to bring much improvement," the report declared.

The commission disclaimed any intention of proposing a master Federal plan for health care. On the contrary, it said, government alone is not big enough to solve the problems of health care for the American people.

In its roughly 50 recommendations the commission stressed economic incentives to efficient and high quality health care, with corresponding penalties for inefficiency; widespread use of "peer review" arrangements to gauge and insure the quality of care, and the possibility of requiring periodic re-licensing of doctors to make sure their talents and knowledge remain up to date.

If followed, the recommendations would bring fundamental changes to the manner in which health care is rendered and paid for in the United States.

The economic incentives for efficiency and high quality in health care would take many forms. One possibility worthy of being explored, the report said, is that of giving doctors a financial stake in the operation of hospitals.

The commission also recommended that health insurance plans put greater emphasis on outpatient care to relieve the strain on hospital facilities. At briefings on the report today, spokesmen for the commission mentioned repeatedly the efficiencies achieved by such prepaid care plans as those of the Kaiser Foundation Hospitals in California.

The report stressed the view that there was no time to be lost in making changes and improvements in American medical care.

Until the present decade the nation has had problems to solve, said Irwin Miller, chairman of the commission.

"From here on out we probably have catastrophes to prevent," he said at a briefing for reporters. Mr. Miller is chairman of the board of the Cummins Engine Company, Columbus, Ind. He has headed the commission since it was appointed by the President on May 7, 1966.

At a presentation at the White House today, Dr. Peter S. Bing, executive director of the commission, said the nation faced a paradox in that the numbers of doctors and hospital beds were increasing faster than the population, yet a crisis in medical care loomed.

Greater demand, the increasing complexity of medical and hospital practice and the growing tendency toward medical specialization produce shortages in personal care, he said.

In this pinch between demand and available supply of medical care, costs will rise sharply if changes in practice are not made, the report said.

If current practices continue, the commission estimated, health expenditures for the nation will rise by more than 140 per cent in the decade ending in 1975. Hospital costs it said, will go up 250 per cent. During the same period the general cost of living is expected to increase only about 20 per cent.

ADDRESS BY SENATOR ROBERT F. KENNEDY AT THE YESHIVA UNIVERSITY, ALBERT EINSTEIN COLLEGE OF MEDICINE, BRONX, N.Y., NOVEMBER 19, 1967

This is a place of special meaning for me. For at Yeshiva University the Albert Einstein College of Medicine has begun an important new step in its pioneering urban health program: The Rose Fitzgerald Kennedy Center for Research in Mental Retardation and Human Development. This Center, which will help to salvage the lives of lost citizens, is a testament to your concern—concern which has been a keystone of this great medical school.

But I come here to offer you not congratulations, but a challenge. For in New York and across the nation, the condition of American medical care is grave—in fact, it is critical. We—and you—confront a grim scene of the neglected, the ill, and the dying—the thousands, the millions of victims of our indifference.

"If we believe that men have any personal rights at all", Aristotle said, "then they must have an absolute moral right to such a measure of good health as society alone is able to give them".

Two years ago, the United States began a program to provide this moral right for two parts of our population: those over 65, and the "medically indigent," for whom serious illness means financial catastrophe. We have spent billions of dollars in these programs—yet what they have produced is not achievement, but anxiety. For they have shown us more vividly than ever before—that our Nation's system of health care has failed to meet the most urgent medical needs of millions of Americans.

The cost of health care in America is staggering: more than 6 percent of our gross national product. And with Medicare and Medicaid, these costs have soared. But consider what we have bought with these billions:

In 1950, we ranked fifth in the world in our infant mortality rate. Today, we rank fifteenth—below all of the industrialized nations of Europe. And here in New York, during the last decade, infant mortality *increased*—by 4 percent.

Twelve other nations have higher life expectancy rates at 60 than we do.

Fifteen other nations have higher ratios of hospital beds to patients than we do.

Forty-three percent of our hospital care, according to Columbia's School of Public Health and Administrative Medicine, is only poor to fair.

But these figures—and countless others—cannot measure the full impact of our double standard of medical care. It cannot measure the disappearance of family physician care for poor families—and its replacement by the emergency rooms of huge impersonal municipal hospitals. It cannot measure the long waits, or endless lines, for an often indifferent examination by a doctor the patient has never seen before, and will not see again. It cannot measure the minor illnesses which spawn major diseases—because regular checkups are unknown, and continuing medical care an illusion. It cannot reflect the children whose education is useless—because they are too weak to work, or too ill to listen.

Figures cannot measure the indignities, the inefficiencies, the lost lives, but they at least tell us how much remains to be done, beyond the spending of massive sums of money.

Medicare has told us what we should have known long ago. Our system of health care in the United States is understaffed, overburdened, and as it is presently structured, wholly inadequate to supply decent medical attention for all Americans. This fact was hidden from us—because those who were elderly, those who were poor—simply did not get a minimal amount of medical care. Now, they are beginning to come to hospitals, and to visit physicians. And with them has come the knowledge that our system of health care must change.

There is already a shortage of modern hospital beds and nursing home beds. Medicare and Medicaid have only multiplied the number seeking care in these already overburdened and often inefficient facilities.

The result of providing more money to compete for the same supply of services has been an astronomical increase in the cost of care. Daily rates in hospitals are up over a third in less than two years. Physicians' fees have risen over ten percent, 8.5 percent in the past year alone. Hospital charges of $100 a day will soon be a reality in New York City.

There is no real mystery about why this has happened. Wages are two-thirds of the cost of running a hospital, and there was a huge backlog of wage demands in our hospitals. Nurses and other personnel had worked too long at substandard pay, and now there are funds to offer a more adequate wage.

But there are other matters. Hospitals are run essentially as they were fifty years ago. They have been neither forced nor even encouraged to innovate. Patients are still wheeled from one end of the hospital to the other for surgery. Costly services are maintained for vast numbers of patients not seriously enough ill to need them.

Physician fees have risen so sharply because more dollars cannot by themselves produce more doctors. That, coupled with the fee-for-service approach of Medicare and Medicaid, has allowed some specialists and even some general practitioners to reap exorbitant benefits from these tax-financed programs.

Serious as these matters are, the fundamental problem is one of structure—one which goes to the heart of our system of delivering health care. We are pumping billions of dollars of new money into the health industry—but without the slightest effort to change the existing system, under which people are taken care of in the costliest institution, the hospital, and by the costliest manpower, the doctor. It is no wonder that the cost of health care has risen so sharply.

The first task, in my judgment, is to recognize that our present approach is simply not satisfactory—and to do something about it. We are providing poor quality care at high

cost. That is nothing less than a national failure.

Next week I shall propose, as an amendment to the social security bill now before the Senate, the establishment of a joint Congressional committee to study the cost of health care and what we are going to do about it. The committee's mandate would be the full scope of the cost problem—from reimbursement formulas to new technology, from ways to achieve greater efficiency to new ways of delivering health care.

But no committee—no study—can be successful unless it confronts the root cause of spiraling medical costs: the outmoded and rigid structure of health care which simply cannot meet the demands for decent medical attention. What is needed—as a matter of the first priority—is to put our medical resources to work in new ways, to respond more effectively to the ever-growing demand for services.

An effective program of action requires at least four steps:

First: We must tap new sources for recruitment into the health field and develop new health careers for our recruits. We all know we have a grave shortage of medical personnel. We know that each year we educate 2000 fewer doctors than we need just to keep pace with present ratios; and we know we need more nurses of all kinds, and more technical aides.

But even as we provide government assistance to health professional schools—even as we provide scholarships and loans, so that low-income students can attend our medical schools—we know we must develop new jobs in the health field. For the fact is that we will never have enough doctors and nurses to perform all of the tasks we now assign to these costly and scarce professionals. Experience has shown that many of their tasks can be performed by assistants working under their supervision—aides who can be enabled to study on the job in order to acquire greater skill and more on to greater responsibility.

We can find many of these people in the same communities of the poor which most need medical help. We can find—and train—non-professional people, to care for fellow members of their own communities. And this source of employment—a source you have tapped with your health careers program—can find worthy service and increased job opportunity, within the medical profession.

Second: All of our medical resources must be put to work more effectively in the communities themselves. To structure the future of medicine solely around large, impersonal hospitals will not only insure poor quality care, but also guarantee even more excessive demands on these overcrowded institutions—and thus produce higher and higher medical costs.

If we are to use our funds wisely—if we are to deploy our health manpower efficiently—we must decentralize medical care. We must bring health services to the people through a system of community and neighborhood health centers which provide comprehensive family care in a dignified, responsive setting.

Again, you at Albert Einstein have recognized this need, by participating in the Storefront Neighborhood Service Center, serving the Lincoln Hospital Community. Here, non-professionals can be of greatest service—by insuring that neighborhood centers *serve* the poor, instead of using them. Too often, the medical profession has seen the ghetto communities as ideal neighborhoods—not so much for service, as for obtaining teaching material. One doctor told me of a conversation he had with a ghetto resident. He asked her what she thought of a planned new neighborhood health center.

"Oh," she said, "is that another one of those programs where we supply the diseases?"

The neighborhood health centers must not be that kind of program. They must meet the fundamental health needs of our neglected citizens.

Third: The program must go beyond narrowly-defined "health" needs. For all of the energy—all of the commitment—of the medical profession will not be enough, unless we also meet the sources of disease.

It is illusion to think we can cure a sickly child—and ignore his need for nutritious food. It is foolish to pour in funds to minister to the effects of filth-ridden slums—without recognizing the undeniable fact that these slums breed disease. It is profitless to establish community mental health services—if we do not understand that a community of the jobless, the purposeless, the hopeless spawns frustration and agony in the minds of its victims. We will never have enough doctors to cure the children of Mississippi who have not eaten nourishing food since their birth. There will never be enough therapists for all the brain-damaged children of Bedford-Stuyvesant. We will not cure the pathology of individuals, unless we—and you—begin to come to grips with the pathology of these communities.

Education — jobs — housing — community participation—these are essential elements of a healthy neighborhood. And if these goals require the active direct participation of the medical community in matters of public controversy, then this is the work that must be done. It is neither economical, nor compassionate, to care for the consequences of poverty, and ignore its roots.

Fourth: As this is true for the communities of poverty, it is just as true for the whole society. All the cancer research, all the hospitals in the nation may be less important than the single simple step of making sure that fewer children are enticed into becoming cigarette smokers. All our programs for training new doctors may not mean as much to the health of the city of New York as courageous and forceful action to eliminate the pollution of our air. All our emergency rooms will not be adequate to care for the victims of the carnage on our highways, if we do not enforce far more rigid safety standards on the makers of automobiles.

And the same is true for the dozens of health hazards we have allowed to persist, through ignorance and inattention and sloth; the meat packed amid dirt and disease; the drugs sold without adequate testing; the pesticides carelessly sprayed onto our crops.

These are not for the medical profession alone—these are challenges to all of us. But you of the medical profession, the concerned and active doctors and leaders such as are here today, you can take the lead.

Part of the job is securing the enactment of legislation; and whatever legislation is necessary, I can tell you that it will be introduced—and it will be fought for. But another part of the job is education and action, relying on the spontaneous skill and initiative of the American people. Just a few years ago, surveys showed that alarming numbers of our children were overweight, underexercised, simply in poor physical condition. President Kennedy set up a Council on Physical Fitness which, in cooperation with thousands of Councils all over the country, began to set up programs of education and exercise for children and families. The Councils were completely voluntary; they were almost without funds; yet they worked a small revolution. And within two or three years, new surveys showed that the young people of America were far healthier, in far better physical condition, than they had been before the Councils began their work. That kind of effort—whether for better school meals, or against early smoking, or to stimulate forceful action against air pollution—can be made in every community in the country today.

This is a challenging task. It requires help from Washington—for example, funds to help medical schools implement bold changes in education and operation. And it requires help from state capitals and City Halls to replace rigid regulation with creative flexibility.

But most of all, it requires effort by yourselves—members of the medical profession, guided by your obligations, and then by the counsel of Albert Einstein, who said:

"Concern for man himself and his fate must always form the chief interest of all technical endeavors . . . in order that the creations of our mind shall be a blessing and not a curse to mankind."

Now you must find new ways to bring the blessings of medicine to millions who have never been reached. It means the willingness and energy to discard traditional institutions and approaches to better the condition of man himself, and his fate. But you have that willingness—you have that energy—and I know you will succeed.

SENATOR RANDOLPH COMMENDS FINANCE COMMITTEE ACTION ON PROVISION FOR INCREASING INCOME OF OLD-AGE ASSISTANCE RECIPIENTS

Mr. RANDOLPH. Mr. President, as chairman of the Subcommittee on Employment and Retirement Incomes of the Senate Special Committee on Aging, I am particularly interested in one provision in the pending social security amendments. Section 213 requires that States must give their public assistance recipients an average increase of $7.50 in their overall incomes as a result of the increased benefits.

It has been a general practice among the States, when social security increases are approved, to reduce public assistance grants of those who receive both public assistance and social security. This action leaves recipients no better off from the standpoint of their total incomes than they had been before the social security increases. The pending bill provides a means whereby a State's public assistance recipients will benefit from the increases.

The Subcommittee on Employment and Retirement Incomes, which I am privileged to chair, as a result of several days of hearings earlier this year, issued a report entitled "Reduction of Retirement Benefits Due to Social Security Increases." We recommended legislation which would prohibit reduction of old-age assistance grants due to social security increases. To implement this recommendation, I offered amendment No. 375. Although the Finance Committee did not accept my amendment, I believe that the provision which it did adopt substantially accomplishes the purpose our subcommittee was seeking. I am gratified to give the committee's provision my enthusiastic support.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time on the bill has expired. The bill having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Nevada [Mr. CANNON], and the Senator from Missouri [Mr. LONG] are absent on official business.

I also announce that the Senator from

Connecticut [Mr. DODD], the Senator from Mississippi [Mr. EASTLAND], the Senator from South Dakota [Mr. MCGOVERN], and the Senator from Georgia [Mr. TALMADGE] are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska [Mr. BARTLETT], the Senator from Nevada [Mr. CANNON], the Senator from Missouri [Mr. LONG], the Senator from South Dakota [Mr. MCGOVERN], the Senator from Connecticut [Mr. DODD], and the Senator from Georgia [Mr. TALMADGE] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Kansas [Mr. CARLSON], the Senator from Hawaii [Mr. FONG], the Senator from California [Mr. MURPHY], the Senator from Pennsylvania [Mr. SCOTT] and the Senator from Texas [Mr. TOWER] are necessarily absent.

The Senator from Kentucky [Mr. COOPER], the Senator from Wyoming [Mr. HANSEN] and the Senator from South Dakota [Mr. MUNDT] are absent on official business.

The Senator from Vermont [Mr. PROUTY] is absent because of illness.

If present and voting, the Senator from Kansas [Mr. CARLSON], the Senator from Kentucky [Mr. COOPER], the Senator from Hawaii [Mr. FONG], the Senator from California [Mr. MURPHY], and the Senator from Pennsylvania [Mr. SCOTT] would each vote "yea."

On this vote, the Senator from Vermont [Mr. PROUTY] is paired with the Senator from Texas [Mr. TOWER]. If present and voting, the Senator from Vermont would vote "yea" and the Senator from Texas would vote "nay."

The result was announced—yeas 78, nays 6, as follows:

[No. 350 Leg.]

YEAS—78

Aiken	Hart	Mondale
Allott	Hartke	Monroney
Anderson	Hatfield	Montoya
Baker	Hayden	Morse
Bayh	Hickenlooper	Morton
Bible	Hill	Moss
Boggs	Hollings	Muskie
Brewster	Hruska	Nelson
Brooke	Inouye	Pastore
Burdick	Jackson	Pearson
Byrd, Va.	Javits	Pell
Byrd, W. Va.	Jordan, N.C.	Percy
Case	Jordan, Idaho	Proxmire
Church	Kennedy, Mass.	Randolph
Clark	Kennedy, N.Y.	Ribicoff
Cotton	Kuchel	Russell
Dirksen	Lausche	Smathers
Dominick	Long, La.	Smith
Ellender	Magnuson	Sparkman
Ervin	Mansfield	Spong
Fannin	McCarthy	Symington
Fulbright	McClellan	Tydings
Gore	McGee	Williams, N.J.
Griffin	McIntyre	Yarborough
Gruening	Metcalf	Young, N. Dak.
Harris	Miller	Young, Ohio

NAYS—6

Bennett	Holland	Thurmond
Curtis	Stennis	Williams, Del.

NOT VOTING—16

Bartlett	Fong	Prouty
Cannon	Hansen	Scott
Carlson	Long, Mo.	Talmadge
Cooper	McGovern	Tower
Dodd	Mundt	
Eastland	Murphy	

So the bill (H.R. 12080) was passed.

Mr. LONG of Louisiana. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. MANSFIELD. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the Senate insist on its amendments and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. LONG of Louisiana, Mr. SMATHERS, Mr. ANDERSON, Mr. GORE, Mr. TALMADGE, Mr. WILLIAMS of Delaware, Mr. CARLSON, and Mr. CURTIS conferees on the part of the Senate.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the bill (H.R. 12080) be printed with the amendments of the Senate numbered; and that in the engrossment of the amendment of the Senate to the bill the Secretary of the Senate be authorized to make all necessary technical and clerical changes and corrections, including corrections in section, subsection, and so forth, designations, and cross references thereto, and corrections in the table of contents—including appropriate deletions, insertions, and revisions in such table.

PERSONAL STATEMENT—REASON FOR NOT VOTING

Mr. BARTLETT. Mr. President, I desire to make a personal statement. Yesterday I canceled a trip abroad in order that I might be here to vote for passage of the Social Security Act.

When the rollcall is recorded in the RECORD, my name will be shown as an absentee.

Mr. President, I was in a room in the New Senate Office Building where the bell calling for the vote did not ring. When the word of the vote reached me, I came over but arrived on the floor too late to be recorded.

This is a cause of great sorrow to me because I would like to have been here, and I wanted particularly to have been recorded as voting for the social security bill.

FEDERAL MEAT INSPECTION ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 785, S. 2147, the Federal Meat Inspection Act, I do this so that it will be the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 2147), to clarify and otherwise amend the Meat Inspection Act, to provide for cooperation with appropriate State agencies with respect to State meat inspection programs, and for other purposes, reported from the Committee on Agriculture and Forestry, with amendments, on page 2, line 18, after the word "his" strike out "delegatee" and insert "delegate"; on page 3, line 16, after the word "term" strike out " 'territory' " and insert " 'Territory' "; in line 21, after the word "any" strike out "territory" and insert "Territory"; in line 22, after the word "any" where it appears the second time, strike out "territory" and insert "Territory"; on page 4, line 1, after the word "the" where it appears the first time, strike out "territories" and insert "Territories"; in line 12, after the word "to", strike out "effectuate the purpose of this Act" and insert "assure that the meat or other portions of such carcasses contained in such product are not adulterated and that such products are not represented as meat food products."; on page 8, line 5, after the word "container" insert "unless"; on page 10, line 22, after the word "to" strike out "effectuate the purposes of this Act" and insert "assure that it will not have false or misleading labeling and that the public will be informed of the manner of handling required to maintain the article in a wholesome condition."; on page 11, line 11, after the word "so" strike out "enacted" and insert "entitled"; on page 12, after line 6, insert:

(v) The term "official device" means any device prescribed or authorized by the Secretary for use in applying any official mark.

On page 13, line 15, after the word "in" strike out "sections 3 through 23 of"; on page 15, line 10, after the word "used" insert "with respect to material required to be incorporated in labeling to avoid false or misleading labeling"; on page 17, line 16, after the word "human" strike out "food," and insert "food"; on page 20, at the beginning of line 20, strike out "the inspection and other requirements prescribed by regulations of the Secretary to assure that the imported articles have been prepared under requirements substantially equivalent to those applicable to the comparable domestic articles, and otherwise to effectuate the purposes of this Act" and insert "all the inspection, building construction standards, and all other provisions of this Act and regulations issued thereunder applicable to such articles in commerce within the United States."; on page 22, line 8, after the word "articles" insert a colon and *"Provided further,* That nothing in this section shall apply to any individual who purchases meat or meat products outside the United States for his own consumption except that the total amount of such meat or meat products shall not exceed fifty pounds."; on page 22, at the beginning of line 18, strike out "goals" and insert "goats"; in line 24, after the word "not" strike out "buy or sell" and insert "engage in the business of buying or selling"; on page 23, line 2, after the word "food" insert a colon and *"And provided further,* That the authority of the Secretary to issue "Retail Exemption Certificates" under paragraph 21 and 22 of the Meat Inspection Act prior to the enactment of the Wholesome Meat Act shall continue."; after line 6 strike out:

(b) The Secretary may, under such sanitary conditions as he may by regulations prescribe, exempt from the inspection requirements of this title the slaughter of animals, and the preparation of carcassses, parts thereof, meat and meat food products, by any person, firm, or corporation in any territory or the District of Columbia solely for distribution within such jurisdiction when the Secretary determines that it is impracticable to provide such inspection within the limits of funds appropriated for admin-

istration of this Act and that such exemption will otherwise facilitate enforcement of this Act. The Secretary may refuse, withdraw or modify any exemption under this paragraph (b) in his discretion whenever he determines such action is necessary to effectuate the purposes of this Act.

At the beginning of line 21, strike out "(c)" and insert "(b)"; on page 25, line 3, after the word "dyes," strike out "chemical" and insert "chemicals,"; on page 26, line 17, after the word "establishment" insert "in any State or organized Territory"; in line 21, after the word "or" where it appears the first time, strike out "territory or the District of Columbia" and insert "Territory"; on page 30, line 10, after the word "to" strike out "effectuate the purposes of this Act" and insert "assure that such animals, or the unwholesome parts or products thereof, will be prevented from being used for human food purposes."; in line 19, after the word "or" where it appears the first time, strike out "territory or the District of Columbia" and insert "organized Territory"; in line 23, after the word "the", strike out "State, territory, or District" and insert "State or Territory"; in line 24, after the word "have" strike out "comparable" and insert "at least equal"; on page 31, after the word "Act" insert "including the State providing for the Secretary or his representatives being afforded access to such places of business and the facilities, inventories, and records thereof, and the taking of reasonable samples, where he determines necessary in carrying out his responsibilities under this Act;"; on page 32, line 3, after the word "are" strike out "consistent with" and insert "at least equal to"; in line 14, after the word "authorities" strike out "comparable" and insert "at least equal"; on page 34, after line 4, insert:

(c)(1) If the Secretary has reason to believe, by thirty days prior to the expiration of two years after enactment of the Wholesome Meat Act, that a State has failed to develop or is not enforcing, with respect to all establishments within its jurisdiction (except those that would be exempted from Federal inspection under subparagraph (2)) at which cattle, sheep, swine, goats, or equines are slaughtered, or their carcasses, or parts or products thereof, are prepared for use as human food, solely for distribution within such State, and the products of such establishments, requirements at least equal to those imposed under titles I and IV of this Act, he shall promptly notify the Governor of the State of this fact. If the Secretary determines, after consultation with the Governor of the State, or representative selected by him, that such requirements have not been developed and activated, he shall promptly after the expiration of such two-year period designate such State as one in which the provisions of titles I and IV of this Act shall apply to operations and transactions wholly within such State: *Provided*, That if the Secretary has reason to believe that the State will activate such requirements within one additional year, he may delay such designation for said period, and not designate the State, if he determines at the end of the year that the State then has such requirements in effective operation. The Secretary shall publish any such designation in the Federal Register and, upon the expiration of thirty days after such publication, the provisions of titles I and IV shall apply to operations and transactions and to persons, firms, and corporations engaged therein in the State to the same extent and in the same manner as if such operations and transactions were conducted in or for commerce: *Provided further*, That upon notification by the Governor of any State at any time after the date of enactment of the Wholesome Meat Act, that he waives for such State the periods of time specified herein, and requests the designation of the State under this paragraph (c), the Secretary shall designate such State in accordance with this paragraph. Thereafter, upon request of the Governor, the Secretary shall revoke such designation if the Secretary determines that such State has developed and will enforce requirements at least equal to those imposed under title I and title IV of this Act: *And provided further*, That, notwithstanding any other provision of this section, if the Secretary determines that any establishment within a State is producing adulterated meat or meat food products for distribution within such State which would clearly endanger the public health he shall notify the Governor of the State and the appropriate Advisory Committee provided by section 301 of the Act of such fact for effective action under State or local law. If the State does not take action to prevent such endangering of the public health within a reasonable time after such notice, as determined by the Secretary, in light of the risk to public health, the Secretary may forthwith designate any such establishment as subject to the provisions of titles I and IV of the Act, and thereupon the establishment and operator thereof shall be subject to such provisions as though engaged in commerce until such time as the Secretary determines that such State has developed and will enforce requirements at least equal to those imposed under title I and title IV of this Act.

(2) The provisions of this Act requiring inspection of the slaughter of animals and the preparation of carcasses, parts thereof, meat and meat food products shall not apply to operations of types traditionally and usually conducted at retail stores and restaurants, when conducted at any retail store or restaurant or similar retail-type establishment for sale in normal retail quantities or service of such articles to consumers at such establishments if such establishments are subject to such inspection provisions only under this paragraph (c).

(3) Whenever the Secretary determines that any State designated under this paragraph (c) has developed and will enforce State meat inspection requirements at least equal to those imposed under titles I and IV, with respect to the operations and transactions within such State which are regulated under subparagraph (1), he shall terminate the designation of such State under this paragraph (c), but this shall not preclude the subsequent redesignation of the State at any time upon thirty days notice to the Governor and publication in the Federal Register in accordance with this paragraph, and any State may be designated upon such notice and publication at any time after the period specified in this paragraph whether or not the State has theretofore been designated upon the Secretary determining that it is not effectively enforcing requirements at least equal to those imposed under titles I and IV.

(4) The Secretary shall promptly upon enactment of the Wholesome Meat Act and periodically thereafter, but at least annually, review the requirements, including the enforcement thereof, of the several States not designated under this paragraph (c), with respect to the slaughter, and the preparation, storage, handling and distribution of carcasses, parts thereof, meat and meat food products, of such animals, and inspection of such operations, and annually report thereon to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture and Forestry of the Senate in the report required under section 17 of the Wholesome Meat Act.

On page 38, at the beginning of line 3, strike out "(c)" and insert "(d)"; at the beginning of line 5, strike out "territory as defined in section 1 of this act; or the District of Columbia" and insert "organized territory."; in line 16, after the word "recipient" strike out "if" and insert "is"; in line 18, after the word "recipient" strike out "has been convicted, in any Federal or State court, of any felony" and insert "or anyone responsibly connected with the applicant or recipient, has been convicted, in any Federal or State court, of (1) any felony, or (2) more than one violation of any law, other than a felony, based upon the acquiring, handling, or distributing of unwholesome, mislabeled, or deceptively packaged food or upon fraud in connection with transactions in food."; on page 39, after line 4, insert:

For the purpose of this section a person shall be deemed to be responsibly connected with the business if he was a partner, officer, director, holder, or owner of 10 per centum or more of its voting stock or employed in a managerial or executive capacity.

The determination and order of the Secretary with respect thereto under this section shall be final and conclusive unless the affected applicant for, or recipient of, inspection service files application for judicial review within thirty days after the effective date of such order in the appropriate court as provided in section 404. Judicial review of any such order shall be upon the record upon which the determination and order are based.

On page 40, at the beginning of line 6, strike out "territory" and insert "Territory"; on page 42, line 16, after the word "other" strike out "territories" and insert "Territories"; on page 44, at the beginning of line 16, strike out "409(1)" and insert "409(s)"; in line 17, after "U.S.C." strike out "409(1)" and insert "409(s))"; on page 45, at the beginning of line 10, strike out "territory" and insert "Territory"; in line 16, after the word "or" where it appears the first time, strike out "territory" and insert "Territory"; in line 19, after the word "or" strike out "territory" and insert "Territory"; on page 46, line 3, after the word "or" strike out "territory" and insert "Territory"; in line 12, after the word "enactment" strike out "hereof" and insert "of the Wholesome Meat Act"; at the top of page 47, insert a new section, as follows:

SEC. 17. The Secretary shall annually report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture and Forestry of the Senate with respect to the slaughter of animals subject to this Act, and the preparation, storage, handling and distribution of carcasses, parts thereof, meat and meat food products, of such animals, and inspection of establishments operated in connection therewith, including the operations under and effectiveness of this Act.

On page 47, at the beginning of line 10, change the section number from "17" to "18"; at the beginning of line 21, change the section number from "18" to "19"; on page 48, at the beginning of line 3, change the section number from "19" to "20"; in line 9, after the word "section" strike out "17" and insert "18";

and in line 20, after the word "effective" insert "upon the expiration of"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the Wholesome Meat Act and that the provisions appearing under the subheading "FOR MEAT INSPECTION:" under the heading "BUREAU OF ANIMAL INDUSTRY" in the Act approved March 4, 1907, entitled "An Act making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and eight" (34 Stat. 1260–1265, as amended; 21 U.S.C. 71–91), are hereby designated as the "Federal Meat Inspection Act"; the first twenty paragraphs thereof are hereby designated, respectively, as sections 3 through 22, and the twenty-first and twenty-second paragraphs thereof as section 23; and said sections 3 through 23 are hereby designated at "TITLE I—INSPECTION REQUIREMENTS; ADULTERATION AND MISBRANDING".

SEC. 2. The Federal Meat Inspection Act is hereby amended by adding, in title I, new sections 1 and 2 reading, respectively, as follows:

"SECTION 1. As used in this Act, except as otherwise specified, the following terms shall have the meanings stated below:

"(a) The term 'Secretary' means the Secretary of Agriculture of the United States or his delegate.

"(b) The term 'firm' means any partnership, association, or other unincorporated business organization.

"(c) The term 'meat broker' means any person, firm, or corporation engaged in the business of buying or selling carcasses, parts of carcasses, meat, or meat food products of cattle, sheep, swine, goats, horses, mules, or other equines on commission, or otherwise negotiating purchases or sales of such articles other than for his own account or as an employee of another person, firm, or corporation.

"(d) The term 'renderer' means any person, firm, or corporation engaged in the business of rendering carcasses, or parts or products of the carcasses, of cattle, sheep, swine, goats, horses, mules, or other equines, except rendering conducted under inspection or exemption under title I of this Act.

"(e) The term 'animal food manufacturer' means any person, firm, or corporation engaged in the business of manufacturing or processing animal food derived wholly or in part from carcasses, or parts or products of the carcasses, of cattle, sheep, swine, goats, horses, mules, or other equines.

"(f) The term 'State' means any State of the United States and the Commonwealth Puerto Rico.

"(g) The term 'Territory' means Guam, the Virgin Islands of the United States, American Samoa, and any other territory or possession of the United States, excluding the Canal Zone.

"(h) The term 'commerce' means commerce between any State, any Territory, or the District of Columbia, and any place outside thereof; or within any Territory not organized with a legislative body, or the District of Columbia.

"(i) The term 'United States' means the States, the District of Columbia, and the Territories of the United States.

"(j) The term 'meat food product' means any product capable of use as human food which is made wholly or in part from any meat or other portion of the carcass of any cattle, sheep, swine, or goats, excepting products which contain meat or other portions of such carcasses only in a relatively small proportion or historically have not been considered by consumers as products of the meat food industry, and which are exempted from definition as a meat food product by the Secretary under such conditions as he may prescribe to assure that the meat or other portions of such carcasses contained in such product are not adulterated and that such products are not represented as meat food products. This term as applied to food products of equines shall have a meaning comparable to that provided in this paragraph with respect to cattle, sheep, swine, and goats.

"(k) The term 'capable of use as human food' shall apply to any carcass, or part or product of a carcass, of any animal, unless it is denatured or otherwise identified as required by regulations prescribed by the Secretary to deter its use as human food, or it is naturally inedible by humans.

"(l) The term 'prepared' means slaughtered, canned, salted, rendered, boned, cut up, or otherwise manufactured or processed.

"(m) The term 'adulterated' shall apply to any carcass, part thereof, meat or meat food product under one or more of the following circumstances:

"(1) if it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance, such article shall not be considered adulterated under this clause if the quantity of such substance in or on such article does not ordinarily render it injurious to health;

"(2)(A) if it bears or contains (by reason of administration of any substance to the live animal or otherwise) any added poisonous or added deleterious substance (other than one which is (i) a pesticide chemical in or on a raw agricultural commodity; (ii) a food additive; or (iii) a color additive) which may, in the judgment of the Secretary, make such article unfit for human food;

"(B) if it is, in whole or in part, a raw agricultural commodity and such commodity bears or contains a pesticide chemical which is unsafe within the meaning of section 408 of the Federal Food, Drug, and Cosmetic Act,

"(C) if it bears or contains any food additive which is unsafe within the meaning of section 409 of the Federal Food, Drug, and Cosmetic Act,

"(D) if it bears or contains any color additive which is unsafe within the meaning of section 706 of the Federal Food, Drug, and Cosmetic Act: *Provided,* That an article which is not adulterated under clause (B), (C), or (D) shall nevertheless be deemed adulterated if use of the pesticide chemical, food additive, or color additive in or on such article is prohibited by regulations of the Secretary in establishments at which inspection is maintained under title I of this Act;

"(3) if it consists in whole or in part of any filthy, putrid, or decomposed substance or is for any other reason unsound, unhealthful, unwholesome, or otherwise unfit for human food;

"(4) if it has been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health;

"(5) if it is, in whole or in part, the product of an animal which has died otherwise than by slaughter;

"(6) if its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health;

"(7) if it has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation or exemption in effect pursuant to section 409 of the Federal Food, Drug, and Cosmetic Act;

"(8) if any valuable constituent has been in whole or in part omitted or abstracted therefrom; or if any substance has been substituted, wholly or in part therefor; or if damage or inferiority has been concealed in any manner; or if any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is; or

"(9) if it is margarine containing animal fat and any of the raw material used therein consisted in whole or in part of any filthy, putrid, or decomposed substance.

"(n) The term 'misbranded' shall apply to any carcass, part thereof, meat or meat food product under one or more of the following circumstances:

"(1) if its labeling is false or misleading in any particular;

"(2) if it is offered for sale under the name of another food;

"(3) if it is an imitation of another food, unless its label bears, in type of uniform size and prominence, the word 'imitation' and immediately thereafter, the name of the food imitated;

"(4) if its container is so made, formed, or filled as to be misleading;

"(5) if in a package or other container unless it bears a label showing (A) the name and place of business of the manufacturer, packer, or distributor; and (B) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count: *Provided,* That under clause (B) of this subparagraph (5), reasonable variations may be permitted, and exemptions as to small packages may be established, by regulations prescribed by the Secretary;

"(6) if any word, statement, or other information required by or under authority of this Act to appear on the label of other labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

"(7) if it purports to be or is represented as a food for which a definition and standard of identity or composition has been prescribed by regulations of the Secretary under section 7 of this Act unless (A) it conforms to such definition and standard, and (B) its label bears the name of the food specified in the definition and standard and, insofar as may be required by such regulations, the common names of optional ingredients (other than spices, flavoring, and coloring) present in such food;

"(8) if it purports to be or is represented as a food for which a standard or standards of fill of container have been prescribed by regulations of the Secretary under section 7 of this Act, and it falls below the standard of fill of container applicable thereto, unless its label bears, in such manner and form as such regulations specify, a statement that it falls below such standard;

"(9) if it is not subject to the provisions of subparagraph (7), unless its label bears (A) the common or usual name of the food, if any there be, and (B) in case it is fabricated from two or more ingredients, the common or usual name of each such ingredient; except that spices, flavorings, and colorings may, when authorized by the Secretary, be designated as spices, flavorings, and colorings without naming each: *Provided,* That, to the extent that compliance with the requirements of clause (B) of this subparagraph (9) is impracticable, or results in deception or unfair competition, exemptions shall be established by regulations promulgated by the Secretary;

"(10) if it purports to be or is represented for special dietary uses, unless its label bears such information concerning its vitamin, mineral, and other dietary properties as the Secretary, after consultation with the Secretary of Health, Education, and Welfare, determines to be, and by regulations prescribes as, necessary in order fully to inform purchasers as to its value for such uses;

"(11) if it bears or contains any artificial

flavoring, artificial coloring, or chemical preservative, unless it bears labeling stating that fact: *Provided*, That, to the extent that compliance with the requirements of this subparagraph (11) is impracticable, exemptions shall be established by regulations promulgated by the Secretary; or

"(12) if it fails to bear, directly thereon or on its container, as the Secretary may by regulations prescribe, the inspection legend and, unrestricted by any of the foregoing, such other information as the Secretary may require in such regulations to assure that it will not have false or misleading labeling and that the public will be informed of the manner of handling required to maintain the article in a wholesome condition.

"(o) The term 'label' means a display of written, printed, or graphic matter upon the immediate container (not including package liners) of any article.

"(p) The term 'labeling' means all labels and other written, printed, or graphic matter (1) upon any article or any of its containers or wrappers, or (2) accompanying such article.

"(q) The term 'Federal Food, Drug, and Cosmetic Act' means the Act so entitled, approved June 25, 1938 (52 Stat. 1040), and Acts amendatory thereof or supplementary thereto.

"(r) The terms 'pesticide chemical', 'food additive', 'color additive', and 'raw agricultural commodity' shall have the same meanings for purposes of this Act as under the Federal Food, Drug, and Cosmetic Act.

"(s) The term 'official mark' means the official inspection legend or any other symbol prescribed by regulations of the Secretary to identify the status of any article or animal under this Act.

"(t) The term 'official inspection legend' means any symbol prescribed by regulations of the Secretary showing that an article was inspected and passed in accordance with this Act.

"(u) The term 'official certificate' means any certificate prescribed by regulations of the Secretary for issuance by an inspector or other person performing official functions under this Act.

"(v) The term 'official device' means any device prescribed or authorized by the Secretary for use in applying any official mark.

"SEC. 2. Meat and meat food products are an important source of the Nation's total supply of food. They are consumed throughout the Nation and the major portion thereof moves in interstate or foreign commerce. It is essential in the public interest that the health and welfare of consumers be protected by assuring that meat and meat food products distributed to them are wholesome, not adulterated, and properly marked, labeled, and packaged. Unwholesome, adulterated, or misbranded meat or meat food products impair the effective regulation of meat and meat food products in interstate or foreign commerce, are injurious to the public welfare, destroy markets for wholesome, not adulterated, and properly labeled and packaged meat and meat food products, and result in sundry losses to livestock producers and processors of meat and meat food products, as well as injury to consumers. The unwholesome, adulterated, mislabeled, or deceptively packaged articles can be sold at lower prices and compete unfairly with the wholesome, not adulterated, and properly labeled and packaged articles, to the detriment of consumers and the public generally. It is hereby found that all articles and animals which are regulated under this Act are either in interstate or foreign commerce or substantially affect such commerce, and that regulation by the Secretary and cooperation by the States and other jurisdictions as contemplated by this Act are appropriate to prevent and eliminate burdens upon such commerce, to effectively regulate such commerce, and to protect the health and welfare of consumers."

SEC. 3. Said Act is hereby further amended by—

(a) deleting the phrase "interstate or foreign" wherever it appears in sections 3 through 23 of title I of said Act; and

(b) deleting in section 3 of said Act (21 U.S.C. 71) the phrase "the Secretary of Agriculture, at his discretion, may" and inserting in lieu thereof the words "the Secretary shall" and deleting the words "of Agriculture" wherever they appear after the word "Secretary" thereafter in title I of the Act.

SEC. 4. Section 4 of said Act (21 U.S.C. 72) is hereby amended by deleting the phrases "for human consumption" and "for transportation or sale", and by inserting after the word "commerce" the phrase "which are capable of use as human food".

SEC. 5. Section 5 of said Act (21 U.S.C. 73) is hereby amended by adding at the end thereof the following: "The Secretary may limit the entry of carcasses, parts of caracasses, meat and meat food products, and other materials into any establishment at which inspection under this title is maintained, under such conditions as he may prescribe to assure that allowing the entry of such articles into such inspected establishments will be consistent with the purposes of this Act."

SEC. 6. Section 7 of said Act (21 U.S.C. 75) is hereby amended by—

(a) deleting the provisions thereof reading as follows: ", and no such meat or meat food products shall be sold or offered for sale by any person, firm, or corporation in interstate or foreign commerce under any false or deceptive name; but established trade name or names which are usual to such products and which are not false and deceptive and which shall be approved by the Secretary are permitted";

(b) designating the remaining provisions as paragraph (a); and

(c) adding at the end of said section the following provisions as paragraphs (b) through (e), respectively:

"(b) All carcasses, parts of carcasses, meat and meat food products inspected at any establishment under the authority of this title and found to be not adulterated, shall at the time they leave the establishment bear, in distinctly legible form, directly thereon or on their containers, as the Secretary may require, the information required under paragraph (n) of section 1 of this Act.

"(c) The Secretary, whenever he determines such action is necessary for the protection of the public, may prescribe: (1) the styles and sizes of type to be used with respect to material required to be incorporated in labeling to avoid false or misleading labeling in marketing and labeling any articles or animals subject to this title or title II of this Act; (2) definitions and standards of identity or composition for articles subject to this title and standards of fill of container for such articles not inconsistent with any such standards established under the Federal Food, Drug, and Cosmetic Act, and there shall be consultation between the Secretary and the Secretary of Health, Education, and Welfare prior to the issuance of such standards under either Act relating to articles subject to this Act to avoid inconsistency in such standards and possible impairment of the coordinated effective administration of these Acts. There shall also be consultation between the Secretary and an appropriate advisory committee provided for in section 301 of this Act, prior to the issuance of such standards under this Act, to avoid, insofar as feasible, inconsistency between Federal and State standards.

"(d) No article subject to this title shall be sold or offered for sale by any person, firm, or corporation, in commerce, under any name or other marking or labeling which is false or misleading, or in any container of a misleading form or size, but established trade names and other marking and labeling and containers which are not false or misleading and which are approved by the Secretary are permitted.

"(e) If the Secretary has reason to believe that any marking or labeling or the size or form of any container in use or proposed for use with respect to any article subject to this title is false or misleading in any particular, he may direct that such use be withheld unless the marking, labeling, or container is modified in such manner as he may prescribe so that it will not be false or misleading. If the person, firm, or corporation using or proposing to use the marking, labeling or container does not accept the determination of the Secretary, such person, firm, or corporation may request a hearing, but the use of the marking, labeling, or container shall, if the Secretary so directs, be withheld pending hearing and final determination by the Secretary. Any such determination by the Secretary shall be conclusive unless, within thirty days after receipt of notice of such final determination, the person, firm, or corporation adversely affected thereby appeals to the United States court of appeals for the circuit in which such person, firm, or corporation has its principal place of business or to the United States Court of Appeals for the District of Columbia Circuit. The provisions of section 204 of the Packers and Stockyards Act, 1921 (42 Stat. 162, as amended; 7 U.S.C. 194), shall be applicable to appeals taken under this section."

SEC. 7. Section 10 of said Act (21 U.S.C. 78) is hereby amended to read:

"SEC. 10. No person, firm, or corporation shall, with respect to any cattle, sheep, swine, goats, horses, mules, or other equines, or any carcasses, parts of carcasses, meat or meat food products of any such animals—

"(a) slaughter any such animals or prepare any such articles which are capable of use as human food at any establishment preparing any such articles for commerce, except in compliance with the requirements of this Act;

"(b) sell, transport, offer for sale or transportation, or receive for transportation, in commerce, (1) any such articles which (A) are capable of use as human food and (B) are adulterated or misbranded at the time of such sale, transportation, offer for sale or transportation, or receipt for transportation; or (2) any articles required to be inspected under this title unless they have been so inspected and passed;

"(c) do, with respect to any such articles which are capable of use as human food, any act while they are being transported in commerce or held for sale after such transportation, which is intended to cause or has the effect of causing such articles to be adulterated or misbranded."

SEC. 8. Section 11 of said Act (21 U.S.C. 79) is hereby amended to read as follows:

"SEC. 11. (a) No brand manufacturer, printer, or other person, first, or corporation shall cast, print, lithograph, or otherwise make any device containing any official mark or simulation thereof, or any label bearing any such mark or simulation, or any form of official certificate or simulation thereof, except as authorized by the Secretary.

"(b) No person, firm, or corporation shall—

"(1) forge any official device, mark, or certificate;

"(2) without authorization from the Secretary use any official device, mark or certificate, or simulation thereof, or alter, detach, deface, or destroy any official device, mark, or certificate;

"(3) contrary to the regulations prescribed by the Secetary, fail to use, or to detach, deface, or destroy any official device, mark, or certificate;

"(4) knowingly possess, without promptly notifying the Secretary or his representative, any official device or any counterfeit, simulated, forged, or improperly altered official certificate or any device or label or any carcass of any animal, or part or product thereof, bearing any counterfeit, simulated, forged, or improperly altered official mark;

"(5) knowingly make any false statement in any shipper's certificate or other nonofficial or official certificate provided for in the regulations prescribed by the Secretary; or

"(6) knowingly represent that any article has been inspected and passed, or exempted, under this Act when, in fact, it has, respectively, not been so inspected and passed, or exempted."

SEC. 9. The present provisions of section 19 of said Act (21 U.S.C. 87) are hereby deleted and the following new provisions are substituted therefor:

"SEC. 19. No person, firm, or corporation shall sell, transport, offer for sale or transportation, or receive for transportation, in commerce, any carcasses of horses, mules, or other equines or parts of such carcasses, or the meat or meat food products thereof, unless they are plainly and conspicuously marked or labeled or otherwise identified as required by regulations prescribed by the Secretary to show the kinds of animals from which they were derived. When required by the Secretary, with respect to establishments at which inspection is maintained under this title, such animals and their carcasses, parts thereof, meat and meat food products shall be prepared in establishments separate from those in which cattle, sheep, swine, or goats are slaughtered or their carcasses, parts thereof, meat or meat food products are prepared."

SEC. 10. The present provisions of section 20 of said Act (21 U.S.C. 88) are hereby deleted and the following new provisions are substituted therefor:

"SEC. 20.(a) No carcasses, parts of carcasses, meat or meat food products of cattle, sheep, swine, goats, horses, mules, or other equines which are capable of use as human food, shall be imported into the United States if such articles are adulterated or misbranded and unless they comply with all the inspection, building construction standards, and all other provisions of this Act and regulations issued thereunder applicable to such articles in commerce within the United States. All such imported articles shall, upon entry into the United States, be deemed and treated as domestic articles subject to the other provision of this Act and the Federal Food, Drug, and Cosmetic Act: *Provided*, That they shall be marked and labeled as required by such regulations for imported articles: *Provided further*, That nothing in this section shall apply to any individual who purchases meat or meat products outside the United States for his own consumption except that the total amount of such meat or meat products shall not exceed fifty pounds.

"(b) The Secretary may prescribe the terms and conditions for the destruction of all such articles which are imported contrary to this section, unless (1) they are exported by the consignee with the time fixed therefor by the Secretary, or (2) in the case of articles which are not in compliance with the Act solely because of misbranding, such articles are brought intc compliance with the Act under supervision of authorized representatives of the Secretary.

"(c) All charges for storage, cartage, and labor with respect to any article which is imported contrary to this section shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against such article and any other article thereafter imported under this Act by or for such owner or consignee.

"(d) The knowing importation of any article contrary to this section is prohibited."

SEC. 11. Section 23 of said Act is hereby amended to read as follows:

"SEC. 23. (a) The provisions of this title requiring inspection of the slaughter of animals and the preparation of the carcasses, parts thereof, meat and meat food products at establishments conducting such operations for commerce shall not apply to the slaughtering by any person of animals of his own raising, and the preparation by him and transportation in commerce of the carcasses, parts thereof, meat and meat food products of such animals exclusively for use by him and members of his household and his nonpaying guests and employees; nor to the custom slaughter by any person, firm, or corporation of cattle, sheep, swine or goats delivered by the owner thereof for such slaughter, and the preparation by such slaughterer and transportation in commerce of the carcasses, parts thereof, meat and meat food products of such animals, exclusively for use, in the household of such owner, by him and members of his household and his nonpaying guests and employees: *Provided*, That such custom slaughterer does not engage in the business of buying or selling any carcasses, parts of carcasses, meat or meat food products of any cattle, sheep, swine, goats or equines, capable to use as human food: *And provided further*, That the authority of the Secretary to issue "Retail Exemption Certificates" under paragraphs 21 and 22 of the Meat Inspection Act prior to the enactment of the Wholesome Meat Act shall continue.

"(b) The adulteration and misbranding provisions of this title, other than the requirement of the inspection legend, shall apply to articles which are exempted from inspection or not required to be inspected under this section."

SEC. 12. Said Act is hereby further amended by:

(a) deleting the phrase "cattle, sheep, swine, and goats" and the phrase "cattle, sheep, swine, or goats" wherever they appear in title I of the Act and substituting therefor, respectively, the phrase "cattle, sheep, swine, goats, horses, mules, and other equines" and the phrase "cattle, sheep, swine, goats, horses, mules, or other equines";

(b) in sections 3 and 4 (21 U.S.C. 71, 72), deleting the phrase "unsound, unhealthful, unwholesome, or otherwise unfit for human food" each time it appears and inserting in lieu thereof the word "adulterated";

(c) in section 4 (21 U.S.C. 72), deleting the phrase "sound, healthful, wholesome, and fit for human food" and inserting in lieu thereof the phrase "not adulterated";

(d) in section 4 (21 U.S.C. 72), deleting the phrase "unsound, unhealthful, unwholesome, or in any way unfit for human food" and inserting in lieu thereof the word "adulterated";

(e) in section 6 (21 U.S.C. 74), deleting the phrase "sound, healthful, and wholesome, and which contain no dyes, chemicals, preservatives, or ingredients which render such meat or meat food products unsound, unhealthful, unwholesome, or unfit for human food" and inserting in lieu thereof the phrase "not adulterated", and deleting the phrase "unsound, unhealthful, and unwholesome, or which contain dyes, chemicals, preservatives, or ingredients which render such meat or meat food products unsound, unhealthful, unwholesome, or unfit for human food" and inserting in lieu thereof the word "adulterated";

(f) in section 8 (21 U.S.C. 76), deleting the phrase "unclean, unsound, unhealthful, unwholesome, or otherwise unfit for human food" and inserting in lieu thereof the word "adulterated";

(g) in section 17 (21 U.S.C. 85), deleting the phrase "or goat meat, being the meat of animals killed after the passage of this Act, or except as hereinbefore provided" and substituting therefor the phrase "goat or equine meat";

(h) in section 18 (21 U.S.C. 86), deleting the phrase "sound and wholesome."; and

(i) in section 21 (21 U.S.C. 89), deleting the phrase "sound, healthful, wholesome, and fit for human food, and to contain no dyes, chemicals, preservatives, or ingredients which render such meat food product unsound, unhealthful, unwholesome, or unfit for human food; and to have been prepared under proper sanitary conditions, hereinbefore provided for" and inserting in lieu thereof the phrase "not adulterated".

SEC. 13. Said Act is hereby further amended by adding at the end thereof the following new section in title I:

"SEC. 24. The Secretary may by regulations prescribe conditions under which carcasses, parts of carcasses, meat, and meat food products of cattle, sheep, swine, goats, horses, mules, or other equines, capable of use as human food, shall be stored or otherwise handled by any person, firm, or corporation engaged in the business of buying, selling, freezing, storing, or transporting, in or for commerce, or importing such articles, whenever the Secretary deems such action necessary to assure that such articles will not be adulterated or misbranded when delivered to the consumer. Violation of any such regulation is prohibited. However, such regulations shall not apply to the storage or handling of such articles at any retail store or other establishment in any State or organized Territory that would be subject to this section only because of purchases in commerce, if the storage and handling of such articles at such establishment is regulated under the laws of the State or Territory in which such establishment is located, in a manner which the Secretary, after consultation with the appropriate advisory committee provided for in section 301 of this Act, determines is adequate to effectuate the purposes of this section."

SEC. 14. Said Act is hereby further amended by adding after title I thereof, the following new sections as:

"TITLE II—MEAT PROCESSORS AND RELATED INDUSTRIES

"SEC. 201. Inspection shall not be provided under title I of this Act at any establishment for the slaughter of cattle, sheep, swine, goats, horses, mules, or other equines, or the preparation of any carcasses or parts or products of such animals, which are not intended for use as human food, but such articles shall, prior to their offer for sale or transportation in commerce, unless naturally inedible by humans, be denatured or otherwise identified as prescribed by regulations of the Secretary to deter their use for human food. No person, firm, or corporation shall buy, sell, transport, or offer for sale or transportation, or receive for transportation, in commerce, or import, any carcasses, parts thereof, meat or meat food products of any such animals, which are not intended for use as human food unless they are denatured or otherwise identified as required by the regulations of the Secretary or are naturally inedible by humans.

"SEC. 202. (a) The following classes of persons, firms, and corporations shall keep such records as will fully and correctly disclose all transactions involved in their businesses; and all persons, firms, and corporations subject to such requirements shall, at all reasonable times, upon notice by a duly authorized representative of the Secretary, afford such representative access to their places of business and opportunity to examine the facilities, inventory, and records thereof, to copy all such records, and to take reasonable samples of their inventory upon payment of the fair market value therefor—

"(1) Any persons, firms, or corporations that engage, for commerce, in the business of slaughtering any cattle, sheep, swine, goats, horses, mules, or other equines, or preparing, freezing, packaging, or labeling any carcasses, or parts or products of carcasses, of any such animals, for use as human food or animal food;

"(2) Any persons, firms, or corporations that engage in the business of buying or selling (as meat brokers, wholesalers or otherwise), or transporting, in commerce,

or storing in or for commerce, or importing, any carcasses, or parts or products of carcasses, of any such animals;

"(3) Any persons, firms, or corporations that engage in business, in or for commerce, as renderers, or engage in the business of buying, selling, or transporting, in commerce, or importing, any dead, dying, disabled, or diseased cattle, sheep, swine, goats, horses, mules, or other equines, or parts of the carcasses of any such animals that died otherwise than by slaughter.

"(b) Any record required to be maintained by this section shall be maintained for such period of time as the Secretary may by regulations prescribe.

"SEC. 203. No person, firm, or corporation shall engage in business, in or for commerce, as a meat broker, renderer, or animal food manufacturer, or engage in business in commerce as a wholesaler of any carcasses, or parts or products of the carcasses, of any cattle, sheep, swine, goats, horses, mules, or other equines, whether intended for human food or other purposes, or engage in business as a public warehouseman storing any such articles in or for commerce, or engage in the business of buying, selling, or transporting in commerce, or importing, any dead, dying, disabled, or diseased animals of the specified kinds, or parts of the carcasses of any such animals that died otherwise than by slaughter, unless, when required by regulations of the Secretary, he has registered with the Secretary his name, and the address of each place of business at which, and all trade names under which, he conducts such business.

"SEC. 204. No person, firm, or corporation engaged in the business of buying, selling, or transporting in commerce, or importing, dead, dying, disabled, or diseased animals, or any parts of the carcasses of any animals that died otherwise than by slaughter, shall buy, sell, transport, offer for sale or transportation, or receive for transportation, in commerce, or import, any dead, dying, disabled, or diseased cattle, sheep, swine, goats, horses, mules or other equines, or parts of the carcasses of any such animals that died otherwise than by slaughter, unless such transaction, transportation or importation is made in accordance with such regulations as the Secretary may prescribe to assure that such animals, or the unwholesome parts or products thereof, will be prevented from being used for human food purposes.

"SEC. 205. The authority conferred on the Secretary by section 202, 203, or 204 of this title with respect to persons, firms, and corporations engaged in the specified kinds of business in or for commerce may be exercised with respect to persons, firms, or corporations engaged, in any State or organized Territory, in such kinds of business but not in or for commerce, whenever the Secretary determines, after consultation with an appropriate advisory committee provided for in section 301 of this Act, that the State or Territory does not have at least equal authority under its laws or such authority is not exercised in a manner to effectuate the purposes of this Act including the State providing for the Secretary or his representative being afforded access to such places of business and the facilities, inventories, and records thereof, and the taking of reasonable samples, where he determines necessary in carrying out his responsibilities under this Act; and in such case the provisions of section 202, 203, or 204, respectively, shall apply to such persons, firms, and corporations to the same extent and in the same manner as if they were engaged in such business in or for commerce and the transactions involved were in commerce."

SEC. 15. Said Act is hereby further amended by adding after title II thereof, the following new section as:

"TITLE III—FEDERAL AND STATE COOPERATION

"SEC. 301. (a) It is the policy of the Congress to protect the consuming public from meat and meat food products that are adulterated or misbranded and to assist in efforts by State and other Government agencies to accomplish this objective. In furtherance of this policy—

"(1) The Secretary is authorized, whenever he determines that it would effectuate the purposes of this Act, to cooperate with the appropriate State agency in developing and administering a State meat inspection program in any State which has enacted a State meat inspection law that imposes mandatory ante mortem and post mortem inspection, reinspection and sanitation requirements that are at least equal to those under title I of this Act, with respect to all or certain classes of persons engaged in the State in slaughtering cattle, sheep, swine, goats, or equines, or preparing the carcasses, parts thereof, meat or meat food products, of any such animals for use as human food solely for distribution within such State.

"(2) The Secretary is further authorized, whenever he determines that it would effectuate the purposes of this Act, to cooperate with appropriate State agencies in developing and administering State programs under State laws containing authorities at least equal to those provided in title II of this Act; and to cooperate with other agencies of the United States in carrying out any provisions of this Act.

"(3) Cooperation with State agencies under this section may include furnishing to the appropriate State agency (i) advisory assistance in planning and otherwise developing an adequate State program under the State law; and (ii) technical and laboratory assistance and training (including necessary curricular and instructional materials and equipment), and financial and other aid for administration of such a program. The amount to be contributed to any State by the Secretary under this section from Federal funds for any year shall not exceed 50 per centum of the estimated total cost of the cooperative program; and the Federal funds shall be allocated among the States desiring to cooperate on an equitable basis. Such cooperation and payment shall be contingent at all times upon the administration of the State program in a manner which the Secretary, in consultation with the appropriate advisory committee appointed under paragraph (4), deems adequate to effectuate the purposes of this section.

"(4) The Secretary may appoint advisory committees consisting of such representatives of appropriate State agencies as the Secretary and the State agencies may designate to consult with him concerning State and Federal programs with respect to meat inspection and other matters within the scope of this Act, including evaluating State programs for purposes of this Act and obtaining better coordination and more uniformity among the State programs and between the Federal and State programs and adequate protection of consumers.

"(b) The appropriate State agency with which the Secretary may cooperate under this Act shall be a single agency in the State which is primarily responsible for the coordination of the State programs having objectives similar to those under this Act. When the State program includes performance of certain functions by a municipality or other subordinate governmental unit, such unit shall be deemed to be a part of the State agency for purposes of this section.

"(c)(1) If the Secretary has reason to believe, by thirty days prior to the expiration of two years after enactment of the Wholesome Meat Act, that a State has failed to develop or is not enforcing, with respect to all establishments within its jurisdiction (except those that would be exempted from Federal inspection under subparagraph (2)) at which cattle, sheep, swine, goats, or equines are slaughtered, or their carcasses, or parts or products thereof, are prepared for use as human food, solely for distribution within such State, and the products of such establishments, requirements at least equal to those imposed under titles I and IV of this Act, he shall promptly notify the Governor of the State of this fact. If the Secretary determines, after consultation with the Governor of the State, or representative selected by him, that such requirements have not been developed and activated, he shall promptly after the expiration of such two-year period designate such State as one in which the provisions of titles I and IV of this Act shall apply to operations and transactions wholly within such State: *Provided*, That if the Secretary has reason to believe that the State will activate such requirements within one additional year, he may delay such designation for said period, and not designate the State, if he determines at the end of the year that the State then has such requirements in effective operation. The Secretary shall publish any such designation in the Federal Register and, upon the expiration of thirty days after such publication, the provisions of titles I and IV shall apply to operations and transactions and to persons, firms, and corporations engaged therein in the State to the same extent and in the same manner as if such operations and transactions were conducted in or for commerce: *Provided further*, That upon notification by the Governor of any State at any time after the date of enactment of the Wholesome Meat Act, that he waives for such State the periods of time specified herein, and requests the designation of the State under this paragraph (c), the Secretary shall designate such State in accordance with this paragraph. Thereafter, upon request of the Governor, the Secretary shall revoke such designation if the Secretary determines that such State has developed and will enforce requirements at least equal to those imposed under title I and title IV of this Act: *And provided further*, That, notwithstanding any other provision of this section, if the Secretary determines that any establishment within a State is producing adulterated meat or meat food products for distribution within such State which would clearly endanger the public health he shall notify the Governor of the State and the appropriate Advisory Committee provided by section 301 of the Act of such fact for effective action under State or local law. If the State does not take action to prevent such endangering of the public health within a reasonable time after such notice, as determined by the Secretary, in light of the risk to public health, the Secretary may forthwith designate any such establishment as subject to the provisions of titles I and IV of the Act, and thereupon the establishment and operator thereof shall be subject to such provisions as though engaged in commerce until such time as the Secretary determines that such State has developed and will enforce requirements at least equal to those imposed under title I and title IV of this Act.

"(2) The provisions of this Act requiring inspection of the slaughter of animals and the preparation of carcasses, parts thereof, meat and meat food products shall not apply to operations of types traditionally and usually conducted at retail stores and restaurants, when conducted at any retail store or restaurant or similar retail-type establishment for sale in normal retail quantities or service of such articles to consumers at such establishments if such establishments are subject to such inspection provisions only under this paragraph (c).

"(3) Whenever the Secretary determines that any State designated under this para-

graph (c) has developed and will enforce State meat inspection requirements at least equal to those imposed under titles I and IV, with respect to the operations and transactions within such State which are regulated under subparagraph (1), he shall terminate the designation of such State under this paragraph (c), but this shall not preclude the subsequent redesignation of the State at any time upon thirty days notice to the Governor and publication in the Federal Register in accordance with this paragraph, and any State may be designated upon such notice and publication at any time after the period specified in this paragraph whether or not the State has theretofore been designated upon the Secretary determining that it is not effectively enforcing requirements at least equal to those imposed under titles I and IV.

"(4) The Secretary shall promptly upon enactment of the Wholesome Meat Act and periodically thereafter, but at least annually, review the requirements, including the enforcement thereof, of the several States not designated under this paragraph (c), with respect to the slaughter, and the preparation, storage, handling and distribution of carcasses, parts thereof, meat and meat food products, of such animals, and inspection of such operations, and annually report thereon to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture and Forestry of the Senate in the report required under section 17 of the Wholesome Meat Act.

"(d) As used in this section, the term 'State' means any State (including the Commonwealth of Puerto Rico) or organized territory."

SEC. 16. Said Act is hereby further amended by adding after title III thereof, the following new sections as:

"TITLE IV—AUXILIARY PROVISIONS

"SEC. 401. The Secretary may (for such period, or indefinitely, as he deems necessary to effectuate the purposes of this Act) refuse to provide, or withdraw, inspection service under title I of this Act with respect to any establishment if he determines, after opportunity for a hearing is accorded to the applicant for, or recipient of, such service, that such applicant or recipient is unfit to engage in any business requiring inspection under title I because the applicant or recipient or anyone responsibly connected with the applicant or recipient, has been convicted, in any Federal or State court, of (1) any felony, or (2) more than one violation of any law, other than a felony, based upon the acquiring, handling, or distributing of unwholesome, mislabeled, or deceptively packaged food or upon fraud in connection with transactions in food. This section shall not affect in any way other provisions of this Act for withdrawal of inspection services under title I from establishments failing to maintain sanitary conditions or to destroy condemned carcasses, parts, meat or meat food products.

"For the purpose of this section a person shall be deemed to be responsibly connected with the business if he was a partner, officer, director, holder, or owner of 10 per centum or more of its voting stock or employee in a managerial or executive capacity.

"The determination and order of the Secretary with respect thereto under this section shall be final and conclusive unless the affected applicant for, or recipient of, inspection service files application for judicial review within thirty days after the effective date of such order in the appropriate court as provided in section 404. Judicial review of any such order shall be upon the record upon which the determination and order are based.

"SEC. 402. Whenever any carcass, part of a carcass, meat or meat food product of cattle, sheep, swine, goats, horses, mules, or other equines, or any product exempted from the definition of a meat food product, or any dead, dying, disabled, or diseased cattle, sheep, swine, goat, or equine is found by any authorized representative of the Secretary upon any premises where it is held for purposes of, or during or after distribution in, commerce or otherwise subject to title I or II of this Act, and there is reason to believe that any such article is adulterated or misbranded and is capable of use as human food, or that it has not been inspected, in violation of the provisions of title I of this Act or of any other Federal law or the laws of any State or Territory, or the District of Columbia, or that such article or animal has been or is intended to be, distributed in violation of any such provisions, it may be detained by such representative for a period not to exceed twenty days, pending action under section 403 of this Act or notification of any Federal, State, or other governmental authorities having jurisdiction over such article or animal, and shall not be moved by any person, firm, or corporation from the place at which it is located when so detained, until released by such representative. All official marks may be required by such representative to be removed from such article or animal before it is released unless it appears to the satisfaction of the Secretary that the article or animal is eligible to retain such marks.

"SEC. 403. (a) Any carcass, part of a carcass, meat or meat food product of cattle, sheep, swine, goats, horses, mules or other equines, or any dead, dying, disabled, or diseased cattle, sheep, swine, goat, or equine, that is being transported in commerce or otherwise subject to title I or II of this Act, or is held for sale in the United States after such transportation, and that (1) is or has been prepared, sold, transported, or otherwise distributed or offered or received for distribution in violation of this Act, or (2) is capable of use as human food and is adulterated or misbranded, or (3) in any other way is in violation of this Act, shall be liable to be proceeded against and seized and condemned, at any time, on a libel of information in any United States district court or other proper court as provided in section 404 of this Act within the jurisdiction of which the article or animal is found. If the article or animal is condemned it shall, after entry of the decree, be disposed of by destruction or sale as the court may direct and the proceeds, if sold, less the court costs and fees, and storage and other proper expenses, shall be paid into the Treasury of the United States, but the article or animal shall not be sold contrary to the provisions of this Act, or the laws of the jurisdiction in which it is sold: *Provided*, That upon the execution and delivery of a good and sufficient bond conditioned that the article or animal shall not be sold or otherwise disposed of contrary to the provisions of this Act, or the laws of the jurisdiction in which disposal is made, the court may direct that such article or animal be delivered to the owner thereof subject to such supervision by authorized representatives of the Secretary as is necessary to insure compliance with the applicable laws. When a decree of condemnation is entered against the article or animal and it is released under bond, or destroyed, court costs and fees, and storage and other proper expenses shall be awarded against the person, if any, intervening as claimant of the article or animal. The proceedings of such libel cases shall conform, as nearly as may be, to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in any case, and all such proceedings shall be at the suit of and in the name of the United States.

"(b) The provisions of this section shall in no way derogate from authority for condemnation or seizure conferred by other provisions of this Act, or other laws.

"SEC. 404. The United States district courts, the District Court of Guam, the District Court of the Virgin Islands, the highest court of American Samoa, and the United States courts of the other Territories, are vested with jurisdiction specifically to enforce, and to prevent and restrain violations of, this Act, and shall have jurisdiction in all other kinds of cases arising under this Act, except as provided in section 7(e) of this Act.

"SEC. 405. Any person who forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person while engaged in or on account of the performance of his official duties under this Act shall be fined not more than $5,000 or imprisoned not more than three years, or both. Whoever, in the commission of any such acts, uses a deadly or dangerous weapon, shall be fined not more than $10,000 or imprisoned not more than ten years, or both. Whoever kills any person while engaged in or on account of the performance of his official duties under this Act shall be punished as provided under sections 1111 and 1114 of title 18, United States Code.

"SEC. 406. (a) Any person, firm, or corporation who violates any provision of this Act for which no other criminal penalty is provided by this Act shall upon conviction be subject to imprisonment for not more than one year, or a fine of not more than $1,000, or both such imprisonment and fine; but if such violation involves intent to defraud, or any distribution or attempted distribution of an article that is adulterated (except as defined in section 1(m)(8) of this Act), such person, firm, or corporation shall be subject to imprisonment for not more than three years or a fine of not more than $10,000, or both: *Provided*, That no person, firm, or corporation, shall be subject to penalties under this section for receiving for transportation any article or animal in violation of this Act if such receipt was made in good faith, unless such person, firm, or corporation refuses to furnish on request of a representative of the Secretary the name and address of the person from whom he received such article or animal, and copies of all documents, if any there be, pertaining to the delivery of the article or animal to him.

"(b) Nothing in this Act shall be construed as requiring the Secretary to report for prosecution or for the institution of libel or injunction proceedings, minor violations of this Act whenever he believes that the public interest will be adequately served by a suitable written notice of warning.

"SEC. 407. For the efficient administration and enforcement of this Act, the provisions (including penalties) of sections 6, 8, 9, and 10 of the Act entitled 'An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes', approved September 26, 1914 (38 Stat. 721–723, as amended; 15 U.S.C. 46, 48, 49, and 50) (except paragraphs (c) through (h) of section 6 and the last paragraph of section 9), and the provisions of subsection 409(l) of the Communications Act of 1934 (48 Stat. 1096, as amended; 47 U.S.C. 409(l)), are made applicable to the jurisdiction, powers, and duties of the Secretary in administering and enforcing the provisions of this Act and to any person, firm, or corporation with respect to whom such authority is exercised, The Secretary, in person or by such agents as he may designate, may prosecute any inquiry necessary to his duties under this Act in any part of the United States, and the powers conferred by said sections 9 and 10 of the Act of September 26, 1914, as amended, on the district courts of the United States may be exercised for the purposes of this Act by any court designated in section 404 of this Act.

"SEC. 408. Requirements within the scope of this Act with respect to premises, facilities and operations of any establishment at which inspection is provided under title I

of this Act, which are in addition to, or different than those made under this Act may not be imposed by any State or Territory or the District of Columbia, except that any such jurisdiction may impose recordkeeping and other requirements within the scope of section 202 of this Act, if consistent therewith, with respect to any such establishment. Marking, labeling, packaging, or ingredient requirements in addition to, or different than, those made under this Act may not be imposed by any State or territory or the District of Columbia with respect to articles prepared at any establishment under inspection in accordance with the requirements under title I of this Act, but any State or Territory or the District of Columbia may, consistent with the requirements under this Act, exercise concurrent jurisdiction with the Secretary over articles required to be inspected under said title, for the purpose of preventing the distribution for human food purposes of any such articles which are adulterated or misbranded and are outside of such an establishment, or, in the case of imported articles which are not at such an establishment, after their entry into the United States. This Act shall not preclude any State or Territory or the District of Columbia from making requirement or taking other action, consistent with this Act, with respect to any other matters regulated under this Act.

"SEC. 409. (a) Notwithstanding any other provisions of law, including section 902(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 392(a)), the provisions of this Act shall not derogate from any authority conferred by the Federal Food, Drug, and Cosmetic Act prior to enactment of the Wholesome Meat Act.

"(b) The detainer authority conferred by section 402 of this Act shall apply to any authorized representative of the Secretary of Health, Education, and Welfare for purposes of the enforcement of the Federal Food, Drug, and Cosmetic Act with respect to any carcass, part thereof, meat, or meat food product of cattle, sheep, swine, goats, or equines that is outside any premises at which inspection is being maintained under this Act, and for such purposes the first reference to the Secretary in section 402 shall be deemed to refer to the Secretary of Health, Education, and Welfare.

"SEC. 410. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act."

SEC. 17. The Secretary shall annually report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture and Forestry of the Senate with respect to the slaughter of animals subject to this Act, and the preparation, storage, handling and distribution of carcasses, parts thereof, meat and meat food products, of such animals, and inspection of establishments operated in connection therewith, including the operations under and effectiveness of this Act.

SEC. 18. The provisions relating to equine meat and meat food products beginning with the phrase "And, hereafter," under the heading "BUREAU OF ANIMAL INDUSTRY" and the subheading "MEAT INSPECTION, BUREAU OF ANIMAL INDUSTRY:" in the Act approved July 24, 1919, entitled "An Act making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and twenty" (41 Stat. 241; 21 U.S.C. 96), and paragraph (b) of section 306 of the Tariff Act of 1930 (46 Stat. 689, as amended; 19 U.S.C. 1306(b)) are hereby repealed.

SEC. 19. If any provision of this Act or of the amendments made hereby or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and the remaining amendments and of the application of such provision to other persons and circumstances shall not be affected thereby.

SEC. 20. This Act shall become effective upon enactment except as provided in paragraphs (a) through (d):

(a) The provisions of paragraph (b)(1) and (c) of section 10 and the provisions of section 20 of the Federal Meat Inspection Act, as amended by sections 7 and 10 of this Act, and the provisions of section 18 of this Act repealing paragraph (b) of section 306 of the Tariff Act of 1930, shall become effective upon the expiration of sixty days after enactment hereof.

(b) The provisions of title I of the Federal Meat Inspection Act, as amended by this Act, shall become effective with respect to equines (other than horses) and their carcasses and parts thereof, meat, and meat food products thereof upon the expiration of sixty days after enactment hereof.

(c) Section 11 of this Act, amending section 23 of the Federal Meat Inspection Act, shall become effective upon the expiration of sixty days after enactment hereof.

(d) Section 204 of the Federal Meat Inspection Act, as added by section 14 of this Act, shall become effective upon the expiration of sixty days after enactment hereof.

Mr. MANSFIELD. Mr. President, there will be no further business this afternoon—that is, no voting; but I do wish to reiterate to the Senate that there is a very strong possibility there will be votes on Monday next——

Mr. GORE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Tennessee will state it.

Mr. GORE. Mr. President, unauthorized personnel are now on the floor of the Senate making for confusion, which makes it impossible to hear what the majority leader just said. Could we not have the Chamber cleared?

The PRESIDING OFFICER. All such personnel will leave the Chamber immediately and the Sergeant at Arms will carry out the order of the Chair.

Mr. MANSFIELD. Mr. President, in order that there will be no confusion as to what I said, the pending business is the so-called Federal Meat Inspection Act, reported unanimously by the Committee on Agriculture and Forestry.

There will be no further voting today, but it is the opinion of the joint leadership that there is a very, very strong possibility of votes on Monday, not only on the pending business, but also on other measures.

Mr. MAGNUSON. Mr. President, when does the Senator expect to bring up the postal rate and pay raise bill?

Mr. MANSFIELD. On Tuesday next, to be followed by the military pay raise.

Mr. MAGNUSON. I thank the Senator.

Mr. DIRKSEN. Mr. President, it is 33 years ago that I voted for the original social security bill in the House of Representatives.

During those intervening years, the program has been improved but, also, a great deal of mischief has been wrought.

I voted for the bill today to commit it to the tender keeping of the conference committee, so that at least some of this mischief can be undone.

Mr. HOLLAND. Mr. President, I would have been glad to vote for the bill today, under other circumstances.

I regret, however, that this "Thanksgiving turkey" had so much stuffing in it that it could not possibly absorb it.

I think that the Senator from Delaware [Mr. WILLIAMS] correctly stated the matter when he said that the benefits under the bill, swollen as it is, may be twice what they should be, to be financed by the financing arrangement provided by the bill.

Mr. President, I regret that the bill got into such shape. I wish my friend, the distinguished Senator from Louisiana [Mr. LONG], well in conference. I hope he will bring back a bill more like the one that was reported by his committee or, hopefully, more like the one that came over to us from the other body. I shall certainly be glad to support it if it is in reasonable proportions and if it is not so swollen by proposed benefits and without appropriate means to finance it. I think that as passed, it is impossible to do that. I hope that the bill will come back in good shape, so that I can support it.

Mr. HARTKE. Mr. President, I do believe that one bit of explanation is due. As I have said repeatedly, the social security bill is a landmark bill. It provides some benefits which are necessary.

With all due respect to the Senator from Florida [Mr. HOLLAND], this turkey is not overstuffed. For some people, it is going to be a pretty thin Thanksgiving, when all they are going to receive is less than $1,000 a year to live on.

Congress has been very meager in taking care of the country's elderly people. At the same time, repeated efforts are made on the floor of the Senate for all kinds of expensive ideas and programs which contribute little to the man on the street and children and the elderly. We voted $70 billion for military appropriations. The total cost of the social security bill will be less than one-half of the year's cost of the war in Vietnam. That puts into proper perspective exactly how much priority we are giving to the old people of America, our own people, and how we are neglecting the business of America while we are preoccupied with a war that is taking place 10,000 miles from home.

I hope and pray that that war will be brought to an end and that we will fulfill the mandate for the Great Society programs, which the country had a chance to vote on in 1964.

The 1964 campaign was very definitely fought and decided on the issue which was decided on the floor of the Senate and voted upon today.

As Senators will recall, there were two great symbols in that campaign. One was the tearing up of the social security cards. Thank goodness we did not tear them up today. We made the social security system stronger. The other symbol was portrayed so vividly upon my memory, that of the little girl picking a daisy, with a background of mushroom clouds. We had the decision to make as to whether or not we were going into a military escalation, a military involvement overseas, taking the young people of America, taking the dollars of America, taking the treasure of America. Were we going to follow the designs of what we and the Democratic Party characterized as a trigger-happy candidate, or were we going to follow peaceful pursuits, a doctrine of the affirmation of life, and not of death, an affirmation of peace,

and not of war, an affirmation of hope, and not of despair? And these were questions for the old people, too. And the people of America overwhelmingly said that the issue was clearly drawn, and they voted the greatest mandate for peace that this Nation has ever shown. President Johnson was given a mandate for peaceful pursuits and for the Great Society programs.

Now we are seeing daily the necessity for cutting back on Great Society programs. Thank goodness, we did not cut this social security program back. I was the one who advocated the administration policy. I advocated the policy sent here by President Johnson. I was the one who introduced the amendments in committee for that policy. I introduced those amendments for the President. I am not ashamed of what he had to say. I just wish he had followed through on the full mandate. I want him to continue policies and programs for his announced Great Society. I encourage him in this.

I find it very regrettable when we see posters throughout the Nation asking the people of the Nation to turn over pennies and dimes for retarded children, when this Congress authorized what it did for the benefit of retarded children. But we say now we cannot provide the money for that purpose, because of the Vietnam war. Fifteen million dollars is what we spent last year. We should have spent $30 million by the mandate that was given. That is not very much. That is about what 8 hours of the war in Vietnam costs us. But that is judged to be too expensive, and we cut back for the mental retardation facilities to about a half day's cost of the war.

I think it is very important for the people of the United States to understand what the Senate has done today. It has reaffirmed the mandate for peace made in 1964. Let us show that we want to turn this Christmastide into a pageant for peace, not a theater of war. I would like to have us return to the doctrines of peace.

With due respect for General Westmoreland, more people have been killed in Vietnam while he has been telling us about the great victories in that war. The most serious battle of that war has been going on over there in the meantime. We have given him every dollar he has asked for. We have put no strings on the appropriations. This Congress has not told him in what direction he shall fight the war. He has a right to bomb as he wants. This Congress has not put any strings on its appropriations.

I think this is a time when we should see the true picture. This is a time when a great deal of soul searching must go on. Thank goodness that the Senate did not turn its back on the old people of America.

I hope we will get on with the business of America. We have forgotten Americans. We have forgotten them because of something called Vietnam, because of a man called Ho Chi Minh, as if Ho Chi Minh is going to come to the doors of San Francisco tomorrow morning. They say we have a war with China. There is no war with China that I know of. For 26 years they have been fighting there. Probably there are some Chinese helping them, but we have half a million of our own people there. The populations of North and South Vietnam are about even. We have a half million of the best trained American troops there, all of our technology, all of our planes, all of the money of the greatest, most powerful nation in the world. Yet, some way, we do not seem to be able to win, because it is not that kind of war.

Month after month after month we see the American casualty lists from South Vietnam amounting to more than the casualty lists of the South Vietnamese themselves.

These are questions on which the Secretary of State should come and discuss before the Foreign Relations Committee. I say to you, Mr. Chairman, I do not excuse the Foreign Relations Committee for not demanding that he come and testify publicly before the people who have a vital interest in the security of this country. What excuse is there for him to say, "I cannot tell the Senators of the United States in public session what this war is all about"?

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. HARTKE. I yield to the Senator from Arkansas.

Mr. HOLLAND. Mr. President, I asked the Senator to yield first.

Mr. HARTKE. I will yield to the Senator from Florida. I yield first to the chairman of the Foreign Relations Committee. I made reference to him, and he may want to answer that comment.

Mr. FULBRIGHT. Mr. President, I wish to reply to the Senator's statement with regard to the Committee on Foreign Relations. Since he made a similar request or statement some time ago, the committee itself met in executive session with the Secretary of State and we discussed for nearly 3 hours his coming before the committee in public session. He took it under advisement. He did not want to make a decision at that time. This was about 2 weeks ago. He said he would notify the committee very promptly thereafter as to his decision as to whether he could come or not.

Then he called me again on Sunday night and said he regretted not being able to make a decision as to whether he should come in public session. He said he would need more time to make up his mind and make his decision. He did not make an absolute promise, but he intimated that at the beginning of the next week he would let the committee know if he would come in public session.

I want to state to the Senator from Indiana that, as a constitutional matter, I do not believe my committee can force the Secretary of State to come in public session. He is an official appointed by the President, and I think under the constitutional principle of the division of powers he is immune to subpena to come before the committee.

I have done everything I can. This is the third or fourth time we have asked him to come. At the last meeting, although there are some members of the committee who do not believe he should come, but I believe the majority does; I am confident the majority believes he should come to a public session, as I believe he should, to explain this policy. I believe it would be to his own interest, to the country's interest, and certainly to the committee's interest, if he would come. So I do not think the committee has been delinquent in its efforts to get the Secretary to come before it in public session.

Mr. HARTKE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. That is about all I have to say about that.

Let me add this word. I want to associate myself with one idea of the Senator from Indiana, with particular reference to some of the comments that have been made with regard to this bill as if this bill was the reason for the deficit, or a primary reason for a deficit, a disarray, a dislocation of not only our economy but that of Great Britain.

Yesterday afternoon someone made a powerful speech about calling our attention to the collapse, practically, of the economy of Great Britain and intimating the social security bill is one of the principal reasons.

I only wish to agree with the Senator from Indiana that this is not a very accurate sense of perspective. I think the war in Vietnam is the primary cause of the difficulties we are confronting, both social and economic, in this country, and also contributes to the dislocation of the economies of other countries.

This prognostication about Great Britain is very ominous to me, because if we follow the imperial example of Great Britain, it will not be too long before we will be in exactly the same position. It will not be because of social security; it will be because of our stupid policy in Southeast Asia.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. HARTKE. Mr. President, in just one moment. Before I yield, I say to the chairman of the Committee on Foreign Relations, I understand the persistence with which he has insisted upon the attention of the Nation being focused on the fact that the Secretary of State has not appeared publicly and explained that high and noble purpose, which the American people have a right to hear explained before they send their young men to die.

I am not a member of the Committee on Foreign Relations, but I do think it is necessary for the Secretary of State to explain, and publicly explain, to this Nation what the war is all about.

We have seen their staged public displays throughout the country, in front of their own klieg lights, on their own platforms. In some cases there are patsy questions, served like a softball so that they can hit it straight out in left field.

I do not care how many appearances like that they make, even at Indiana University; if the Secretary of State wants to come to my State and make statements, he may do so. Whether he wants to answer the questions of students is his own business.

But it is my opinion that good faith requires, if he does that, if he goes out to the highways and byways and speaks to

the public, he ought also to appear publicly before that responsible group who have been elected to public office, who want to be able to tell their constituents exactly what the Secretary of State means when he says thus and so. He will testify in public in the presence of everybody else; I think it is only fair to American mothers, wives, and sweethearts, only fair to the people of this Nation, that he appear to shed some light on this definite area of anxiety. They may say as often as they wish that it should be obvious to the country what we are doing there; but I say that all America is asking why, and asking why in increasing numbers.

I yield to my friend from Florida.

Mr. HOLLAND. I thank the Senator for yielding.

Adverting, if I may, to the social security bill—because that is the subject on which the able Senator from Indiana began his remarks—I ask him whether he is of the impression that the financing portion of the bill is anything like adequate to cover the commitments made by the portions of the bill that create benefits with a very lavish hand.

Mr. HARTKE. I certainly do. If the distinguished Senator will look on page 9 of the Social Security Amendments of 1967, if he has any faith in the actuary—who has been here for years, even through the Republican administration—as I pointed out in my remarks earlier, before the passage of the bill, not alone is the financing adequate, but by 1972, will exceed the needed amount by $8.6 billion, with a whole year's payments in reserve.

The prosperity of America has made such an increase possible. All one has to do is look at it. This year alone, as provided by the Finance Committee, we will have contributions of $31.2 billion. How much of that money will be put into people's pockets? We are going to put in their pockets $29 billion. The arithmetic is very simple—a difference of $2.2 billion.

I argued in the committee that it was too much. This bill is overfinanced. There is no question about it. No insurance company could competitively stay in business, if it were managed in the same way this bill is being run, because it would have priced itself out of the market. We are collecting too much in excess of what we need.

There is no reason why a man working on a factory assembly line, or his employer, should be required to pay money into the fund beyond what is necessary to pay for the benefits to be received. That was the original concept of social security, and that is the concept under which it should be operated now. But here, for the first time in the history of the social security law, there is an attempt to make it an instrument of fiscal policy, so that the Treasury could borrow money from the social security fund—which is legal—at a lower interest rate than available in the marketplace, to finance the war in Vietnam.

Whether you approve or disapprove of the war is immaterial; it has to be paid for, and this is one way they seek to do it.

Mr. HOLLAND. May I say that I appreciate the Senator's brief answer, and I must say that so far as I am informed, the machinery to finance social security is inadequate to finance, not the original bill——

Mr. HARTKE. In what year?

Mr. HOLLAND. I am talking about the swollen bill which we have just passed, and which has been inflated by dozens of amendments.

Mr. HARTKE. Mr. President, will the Senator yield?

Mr. HOLLAND. There is one more question I wish to ask the Senator, if I may, and I hope he will be at least equally brief in answering that one.

I understand that the distinguished Senator supported ardently the President's bill for the social security improvements. Do I understand the Senator feels that this bill which we have just passed has even the remotest resemblance to the President's request?

Mr. HARTKE. It certainly does. If the Senator wishes to go through the whole measure, I can go through the entire bill. I sat there through most of it; I think my attendance before that committee was as good as anybody else's.

Mr. HOLLAND. It seems to me that anyone who wants to read this bill, and reads the President's request, is bound to come to the conclusion that this bill is no more like the President's bill than day is like night; and that, to the contrary, this is an extremely swollen bill, with numerous provisions in it which cannot be financed, and which I hope will be cut out in conference, so we will have a reasonable approach to this program, because I do not want to see our old people persuaded that they have something they have not got, or that Congress has done something for them which it has not done, because here is a bill which is not properly financed, which could not stand under its own weight, and which I hope will come back, under the able leadership of the Senator from Louisiana, out of conference in a much better form, so that we may support it and say to our elderly friends, "We have given you something that is meaningful, because we have provided for the payment of the additional benefits which we are voting."

I thank the Senator for yielding.

Mr. HARTKE. Mr. President, I just want to say that I am sure the Senator from Florida is persuaded by somebody, some place, that there is a great discrepancy between this bill and the President's message. I know that the President himself would say that this bill, in its main propositions, is identical to the message which he sent.

It calls for a 15-percent increase, across the board, and calls for a minimum benefit of $70 a month, as recommended by the President.

It calls for an increase in benefits for those over the age of 72, as recommended by the President.

It calls for fairness in treatment of retirees for disability, the same over the age of 52 as over the age of 67, as recommended by the President.

The basic provisions of the President's message are incorporated in the Finance Committee bill. The House of Representatives cut it back to 12 percent, and cut the minimum payment to $50.

The House bill was short of what the President had recommended. This, in all substantial respects, is exactly the same as what the President recommended.

As to the financing, the financing provided in this bill, not taking into consideration last night, which is not material in the long run—even though the Senator may think so, it is not——

Mr. HOLLAND. Does the Senator mean that the amendments we passed last night can be brushed off without any consideration?

Mr. HARTKE. In most cases that is right.

Mr. HOLLAND. I thank the Senator.

Mr. HARTKE. The financing, as recommended by the President, called for a surplus of collections over expenditures of $300 million. The financing of this bill, even though I did not approve of it, calls for a surplus of collections over expenditures of $2,100 million—some $1,800 million more in excess than the President recommended.

Mr. GORE. Mr. President, will the Senator yield?

Mr. HARTKE. So if Senators think that is fiscally responsible—which I think is fiscally irresponsible, to collect more than you need in a social security fund—but if that is the Senators' definition of fiscal responsibility, this Finance Committee bill, according to that definition, is $1,800 million more fiscally responsible than the message the President sent down here.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. HARTKE. I yield.

Mr. HOLLAND. Mr. President, what did the Senator mean in his earlier statement when he said: "This bill was too much." Those were the words he used.

Mr. HARTKE. I said there is too much money in the bill. There is too much collection of money. We are taking from the employers and employees more than we should take. We are telling the employers and employees they should put in more money. In the financing of this bill we are to go back to every employer and employee in America and say, "We want to tax you more than is necessary."

That is what this bill has done. However, I could not persuade the Finance Committee or some of the Senators to whom I spoke. However, this is a fact.

By the year 1972 we will have $8.6 billion more in the trust fund than we will be paying out in benefits in that year alone, plus 1 year in reserve.

Mr. FULBRIGHT. Mr. President, the Senator did do a good deal about this particular matter. Did not the bill from the Finance Committee provide for a surplus of over $4 billion?

Mr. HARTKE. This was the original adoption.

Mr. FULBRIGHT. And the Senator did succeed in cutting that.

Mr. HARTKE. It was more than $5 billion in excess.

Mr. FULBRIGHT. The Senator did succeed in cutting down the surplus above the payments of about $2.1 billion.

Mr. HARTKE. The Senator is correct.

Mr. FULBRIGHT. He did cut that in about half.

Mr. HARTKE. The purpose of the Finance Committee was that they were going to put a slush fund in there of $5 billion so that the Treasury could go over and borrow that money. That was the argument. There is no dispute about it. There is no dispute about the fact that we need money to finance the bill.

They said that we needed to take the money out of the economy and that this would be the way to take the money out of the economy.

This was the argument of the ranking minority member, and it was the argument, for a while, even of the administration.

Mr. FULBRIGHT. Will the Senator state the present accumulated surplus in the social security fund?

Mr. HARTKE. The accumulated surplus was $29 billion for last year after payments of $25 billion, which means that there was a surplus of $4 billion.

Mr. FULBRIGHT. Accumulated surplus.

Mr. HARTKE. The Senator is correct.

Mr. FULBRIGHT. That means that over a period that much more has been collected in its accounts than has been paid out.

Mr. HARTKE. The Senator is correct.

Mr. FULBRIGHT. I want the Senator from Florida to be convinced. He seems to intimate that this whole program is spending more in benefits than has been collected either in the past or at the present.

Mr. HARTKE. The Senator is exactly right.

Mr. FULBRIGHT. However, if I understood the experts and the staff and others correctly, that just is not so.

Mr. HARTKE. The Senator from Arkansas is exactly right.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. HARTKE. I will be glad to yield to the Senator from Florida.

Mr. HOLLAND. The Senator from Arkansas underestimates his friend, the Senator from Florida.

The Senator from Florida knows the entire situation in that pool.

I know that the past and present purpose is to keep in that fund enough to cover a year's payments.

I know that does not approach the degree of safety actuarially that is required of insurance companies and others. This is an insurance program.

Mr. FULBRIGHT. The Senator is correct.

Mr. HOLLAND. And I am well advised about the program. I know that with all of the amendments stuck on the bill, which the distinguished senior Senator from Indiana says can be brushed off, these are amendments that cannot be financed by the bill.

The Senator from Florida is not willing to vote for a bill that has an accumulation of all those amendments. And he cannot see how any other Senator would vote for it.

These were amendments that the Senator from Indiana has admitted have to be brushed off. Well, we cannot brush off the action of a great body like the Senate of the United States in solemnly voting funds which they know cannot be paid and which they know are not going to be paid.

The Senator from Florida is not going to vote for such a bill. When the bill goes to the House, I hope it will brush off—and those were the words of the Senator from Indiana, and they are very accurate words—a lot of the amendments in conference. I will then be glad to vote for that bill. However, I will not be on record as promising the old people something which cannot be done.

The Senator from Arkansas knows that it cannot be done. And the Senator from Indiana knows that it cannot be done.

The Senator from Indiana speaks of these amendments as amendments that will have to be brushed off. Let us brush them off, but we ought to have brushed them off and defeated them before we put them in the bill.

Mr. HARTKE. Mr. President, I yield to the Senator from Tennessee.

Mr. GORE. Mr. President, I thank the able Senator for yielding.

I compliment and congratulate the able senior Senator from Indiana for the contribution he has made to the consideration and to the writing of the social security bill which has just passed.

I concur in large part with the statements the able Senator has made with respect to the financing. I believe that the actuarial experts of the Social Security Administration will confirm the statements of the Senator from Indiana.

It is a matter of judgment as to whether it is wise to levy a tax to provide revenue somewhat in excess of anticipated benefit payments.

I leaned toward a resolution of that doubt in favor of a surplus in the social security trust fund.

I wish to add that it is now my feeling that we have levied taxes upon payrolls to the maximum feasible extent. Benefits added hereafter, in my present view, to the extent they cannot be funded by taxes provided in the pending bill, should be financed from the general revenue.

But the primary purpose for which I rose was to make some comments upon the criticism which the Senator has leveled against the Committee on Foreign Relations for not insisting upon the appearance of the Secretary of State in public session with respect to the policy of the U.S. Government in Southeast Asia.

In part, I believe the action of the committee is subject to question; and unless it pursues the issue, it will be subject to criticism. The able chairman of the committee has related to us the repeated efforts which he has made to secure the appearance of the Secretary of State at a public session of the Foreign Relations Committee. This is well and good.

I should like to relate to the Senator that prior to the Secretary's recent appearance in executive session with the committee on this subject, I had introduced a motion in the committee which would have directed the chairman to communicate with President Johnson the committee's concern over this threatened break in communication between the Executive and the U.S. Senate on this critical issue. It was my view then, from expressions around the committee table, that a majority would have voted in favor of my motion.

The distinguished majority leader suggested that Secretary Rusk be invited to appear before the committee in executive session, to discuss the advisability of a public hearing. Thereupon, I withdrew my motion. I thought the suggestion of the distinguished majority leader to be preferable, because it is better that we preserve this comity; and if it can be preserved without one branch pressing its rights and duties and prerogatives on the other, that is good.

The session with the Secretary was very satisfactory, at the conclusion of which, as the chairman of the committee has related, the Secretary said he would advise the committee promptly. There was no definition of that term.

I had intended on Monday of this week to communicate with the chairman, requesting a further meeting of the committee, to renew my motion, the committee not having heard from the Secretary of State. However, as the chairman has related, on Sunday night the Secretary of State communicated with him by telephone, and in effect requested some additional time in which to reach a decision. Therefore, I further withheld the motion.

I wish to say that this is not a decision which is the responsibility of the Secretary of State. This is an issue in which the President of the United States and the U.S. Senate have a constitutional responsibility. The Constitution places the Senate and the President in a position of limited partnership with respect to this Nation's foreign affairs and the conduct of its policy. I need not enumerate the constitutional responsibilities and powers of the Senate—advice and consent, use of Armed Forces, confirmation, ratification, and so forth.

So I should like to say to the able Senator that I would not be satisfied with a negative decision of the Secretary of State. If there is to be a breakdown in public communication—such communication being essential in a democracy—between the President and the U.S. Senate, I want the responsibility placed where it belongs. I do not anticipate an unfavorable reply from the Secretary of State, because I believe President Johnson is fully aware of the responsibility to the people with which not only he, as President, is charged, but also with which the U.S. Senate is charged by the Constitution.

Mr. MORSE. Mr. President, will the Senator yield to permit me to make one comment?

Mr. GORE. I yield.

Mr. MORSE. Does the Senator think that the President of the United States has been unaware of this controversy for weeks? Why has the President remained silent? The American people have been entitled to have President Johnson order the Secretary of State before the Committee on Foreign Relations.

The Senator has put the responsibility where it belongs—on the doorstep of the White House. But I do not share the view of the Senator from Tennessee, if I interpret his remarks correctly, that we

should wait any longer for the President. The President should have acted a long time ago in regard to a basic constitutional issue—that is, whether or not a Cabinet officer will be allowed to refuse to come before a legislative committee of Congress and testify in public.

Mr. GORE. Mr. President, as I have said, it has appeared to me that patience on the part of the Senate might be the better part of wisdom. Surely, there must be an end to that practice. But I believe that the ultimate preservation of the equation, preserving the vitality of communication in the public interest, is the most important objective here.

I started to comment about responsibility to the public and President Johnson's awareness of that responsibility. What greater issue is there than that of peace or war? What can be the subject of more vital debate than whether American boys are being sent to fight and die for a cause in which our national security is truly involved?

Now, it is good to communicate to the public on a one-way line, some communication being better than none. It is better to communicate to the public accurately and fully, and this cannot be accomplished by a one-way line—although that is good insofar as it goes—but only by incisive examination of the issues.

Yesterday, General Westmoreland appeared before the National Press Club and outlined the war strategy for all to read. Had a dissenter ventured to outline the military strategy for the next 2 years of the war in Vietnam, I wonder if someone would not have raised the question whether this was an aid to the enemy.

As I understand the general's statement, perhaps inadequately, we are advised now that the plan for 1968 is an undertaking to liquidate the war in the northern part of Vietnam, and to encourage the South Vietnamese Army then to take over the major part of responsibility in that area. Whether this comtemplated role can be described as a holding operation or pacification I am not sure. But then, after 1968, as I read the strategy, it is for the U.S. Army to plunge heavily into the essentially civil war portion of the war in the delta, where we are advised that almost 100 percent of the enemy is not North Vietnamese but indigenous people of South Vietnam who have for years been in strife, or civil war, with the Government in Saigon.

I did not rise to discuss the strategy which General Westmoreland outlined. Whether this is a wise course I do not wish to question at this time. I only make the point that communication is being had with the American people, but it is on a one-way line.

Members of the U.S. Senate, who are versed in the history of the area, of the people involved, who are conversant with the conferences, the background information, who have seen some of the cables, and who have been privy to much of the confidential information, could subject advocates of the policies to an examination of those policies, not contentiously, I hope, but with probity and incisiveness in order to arrive at a wise policy on which the American people could unify.

Mr. President, what this country needs is unity and a policy; unity and a wise policy. How do we achieve that in a democracy? By one-way communication? I do not think so. Unless we can achieve unity through the educational process, through public understanding, through debate, through public analysis of policies and objectives, then that unity is not achievable except by methods which are not consistent with the traditions of America.

Mr. President, a few days ago President Johnson held a press conference in which, in response to a question, he said the United States is resisting aggression in South Vietnam.

The day before, I believe, I was in communication with a high administration official. I inquired as to what is the organized military strength of the North Vietnamese military now in South Vietnam. The answer was 55,000 troops. I asked him if the United States of America did not have approximately 500,000 troops there. That was affirmed.

I asked: Under what circumstances could we have peace there, in light of this aggression which we are resisting? His answer was that if North Vietnam would withdraw its troops there can be peace.

That sounds very well on a one-way communication to the American people. But I asked a second question: If North Vietnam would withdraw her 55,000 troops, would the United States withdraw her 500,000 troops, and permit self-determination by the South Vietnamese. The answer was equivocal.

I asked: If North Vietnam would withdraw her 55,000 troops, what portion of our 500,000 troops, or thereabouts, would we withdraw? Again the answer was equivocal.

So, Mr. President, if 500,000 troops, with the great mobility we have, with our air power, with the overwhelming firepower we have, cannot in some way deal with 55,000 less-equipped, less-mobile troops, then there must be some other element present. There is. That other element is the civil war element; the civil strife that has long existed in South Vietnam, which, indeed, was promoted by the French during their occupation, by the old strategy of dividing in order to rule or conquer.

Mr. President, a statement which sounds plausible and may be accepted without question by many can be made to the American people on a one-way communication. However, there are many persons who will not accept bland statements. There can be no unity in this country until the Government of the United States is willing to discuss freely and openly with representatives of the American people before the American people in public session the great issue of war and peace.

What are our objectives, long-range and intermediate, in Vietnam? Is this a worthy cause? Is it a cause in which our national security is vitally involved? For what lesser cause should we send our young men to fight and die?

So, Mr. President, without making a speech, which I surely had not intended to do, let me say to the distinguished and able senior Senator from Indiana that unless the committee does press the issue his criticism will be well based.

I concur in the patience of the chairman—thus far. But, unless we have an answer next week, in the affirmative, I shall communicate with him, asking for a session of the committee to renew my motion. Once this issue is brought squarely to the attention of the President, I am confident that with his devotion to the principles of democracy, with his dedication to the precepts and the principles of a government of the people, by the people, and for the people, his belief in the people's right to know, this decision will not be left for the Secretary of State to make. I would not leave it just for the President to make. The Senate is not without its powers, just as it is not without its constitutional responsibility and duty.

I close by asking the distinguished and able senior Senator from Indiana to be patient a little longer, but unless this public communication eventuates, then the committee and the Senate is subject to censure unless it presses the performance of its duty which, in my view, is clearly constitutionally fixed.

I thank the able Senator.

Mr. HARTKE. I want to thank the able Senator from Tennessee. I quite concur with his statement that a great constitutional question is involved.

THE SOUTH VIETNAMESE ARMY

Mr. THURMOND. Mr. President, the October 17 issue of the Washington Daily News published an article containing certain charges leveled at the capability of the South Vietnamese Army. This article alleged that a Member of the Senate complained that the United States was saddled with a military white elephant in Vietnam.

Specifically he charged that—

(1) Some American Intelligence officers estimate that as many as 30 per cent of the soldiers in the South Vietnamese Army are sympathizers or agents of the Viet Cong; (2) the South Vietnamese Army is riddled with corruption and inefficiency.

After reading this piece in the Washington paper I wrote Hon. Ellsworth Bunker, American Ambassador to Vietnam, and asked if he had information to refute the above charges. I have recently received from our Embassy at Saigon a letter signed by the Chargé d'Affaires which indicates that the first charge is unfounded. With regard to the charge of corruption in the South Vietnamese Army, this letter points out that the Vietnamese have organized an inspector general system similar to our own and have recently charged some 50 officers of various ranks with corrupt activities.

Mr. President, I am pleased to have this report from our Embassy and even more pleased to see this defense of the South Vietnamese Army, and I ask unanimous consent to have the letter printed in the RECORD.

There being no objection, the letter

was ordered to be printed in the RECORD, as follows:

SAIGON,
November 14, 1967.

HON. STROM THURMOND,
U.S. Senate.

DEAR SENATOR THURMOND: In his absence, Ambassador Bunker has asked me to reply to your letter of October 18, 1967, requesting information with which to refute charges against the South Vietnamese Army (ARVN).

The allegation that "as many as 30 percent of the soldiers in the South Vietnamese Army are sympathizers or agents of the Viet Cong" is, in our opinion, unfounded. Our own intelligence and that of the South Vietnamese do not support any such allegation, and we believe that Viet Cong penetration of the ARVN is negligible. In a country with a history like Vietnam covert Viet Cong sympathizers may exist in many sectors, but we believe that the allegation is a gross exaggeration and highly misleading.

As for the effectiveness of the ARVN, I believe their performance has not been accurately reported. American reporters tend to report the activities of American units in much greater detail than of Vietnamese units. A case in point is the recent victory at Loc Ninh, Binh Long Province. The U.S. press reported day after day the repulsion of repeated enemy attacks, and gave the impression that this was done by United States Forces. In fact, the military targets of the attack were the district headquarters and the Civilian Irregular Defense Group camp, both Vietnamese, with only a few American advisors. It was these establishments which repelled the enemy attacks, with heavy enemy casualties.

Major United States Forces were brought into the area to support the Vietnamese and give assurance that the Viet Cong could not gain control. The United States units were engaged in the later stages and inflicted heavy casualties on the enemy. The Vietnamese, however, merit equal credit with our own Forces in the great victory at Loc Ninh.

Loc Ninh is not an isolated incident. The Vietnamese Armed Forces have engaged in many successful operations, and their effectiveness is steadily improving. The number of unit operations has increased 27 percent in the first half of 1967 over the same period in 1966. The desertion rate has been reduced by 50 percent, and they are new capturing weapons at a rate of two for every one captured by the enemy, whereas in the first half of 1966 weapons captured and lost were about even.

As for charges of corruption, we need to find some sound perspective to examine them. Corruption exists to some degree everywhere, even in the United States. If corruption exists in the Vietnamese Armed Forces, it has not prevented the effective military performance of those forces. In any case, the Vietnamese have organized an Inspector General system similar to our own, and have recently charged some 50 officers of various ranks with corrupt activities. They are trying to reduce corruption.

If I can be of further assistance, please do not hesitate to write me.

Sincerely,

EUGENE M. LOCKE,
Chargé d'Affaires ad interim.

EMBARGO OF CHROMITE SHIPMENTS FROM RHODESIA

Mr. THURMOND. Mr. President, I wish to make a few remarks upon a most important subject; namely, the embargo of chromite shipments from Rhodesia.

It has come to my attention that the Foreign Assets Control Division of the Treasury Department on November 14 denied an application by the Foote Mineral Co. for a special license to import chrome ore from the company's mines in Rhodesia. The effect of this denial, which appears to have been issued with the concurrence, even at the insistence, of the State Department, will be to destroy the Rhodesian mines and force us to become dependent upon the only other major supplier, the Soviet Union.

I need hardly point out that the element chromium is cataloged as one of the most important strategic and critical materials. There is no known substitute for chromium in the production of stainless steel and other sophisticated alloys. It is vital not only to our effort in Vietnam, and to military and space programs everywhere, but also to our general technological posture. Chromium is essential to all kinds of research and development. Without it, even peaceful progress would come to a halt.

The only countries capable of supplying in quantity high-grade chromium ore, or chromite as it is called, are Rhodesia and the Soviet Union. The Johnson administration's needless policy of embargoing chromite imports from Rhodesia under Executive Order 11322 means that we must rely more and more upon the Soviet Union for a technological lifeline. The reliability of that lifeline may be judged somewhat by the fact that the Soviet Union has raised its prices for its 1968 contracts by amounts up to and exceeding 20 percent. Chrome ore prices, currently $30.50 to $33 per ton, have gone up to a range of $36.50 to $40 per ton.

The grand absurdity of forcing U.S. suppliers to become dependent upon an enemy out to destroy us has been evident for some time, but it was assumed that the policy was only intended as a temporary pressure tactic adopted pursuant to an error in judgment. However, the denial of the Foote Mineral application introduces some wholly new elements into the situation. These elements are:

First. Foote Mineral is an American-owned company, and its Rhodesian mines are wholly owned by the American company.

Second. Foote asked for a special license to bring in only a nominal amount of ore, that is, 40,000 tons per year.

Third. This tonnage represents the output of minimal caretaker operations at its mines. Such operations are necessary to protect mine shafts and facings, and to hold together work crews and skilled technicians. The cost of keeping the mines open is $900,000 per year.

Fourth. If the mines are abandoned and flooded, it would take 3 years and many millions of dollars to reopen them.

Fifth. The United States has current stockpiles of chromite to last for 6 months, the strategic stockpile has enough for only 2½ years.

Thus it can be seen that the State Department's embargo policy is hurting not only Rhodesia, but also an American company; moreover, it does not take much arithmetic to see that if these mines are forced to close, the United States would become wholly dependent for its supply of chromite for a period of many months, even years, upon its major political and military enemy. Even as long as the embargo lasts, U.S. policy is depleting U.S. monetary reserves to pay increased Soviet prices and windfall profits.

Since 1963, the production of stainless steel in this country has increased from 1 million ingot tons to over 1.6 million ingot tons. Ferrochrome is a basic alloy in the production of stainless steel. Of particular significance in the manufacture of ferrochromium is the chrome-iron ratio in the chromite. As Foote pointed out in its license application, the United States, indeed, the whole Western Hemisphere, produces practically no metallurgical grade chromite. In the Eastern Hemisphere, Turkey and India are the principal producers, besides Rhodesia and the Soviet Union. But neither Turkey nor other small producers can expand production quickly or economically.

Foote Mineral Co. uses the produce of its own mines in its manufacturing processes here in the United States. In applying for an import license, Foote stated:

> Since 1916, the applicant has been engaged in the business of producing, processing and selling lithium minerals and chemicals, electrolytic manganese, lime, silicon metal, ferroalloys (including ferrochrome, ferrosilicon, and ferrovanadium) and metal based chemicals plus the mining of ores and the milling of uranium and vanadium concentrates.

Thus it can be seen that the policy of the State Department will have a direct effect on American industry. Foote, and other chrome producers, will be forced to use lower grade ores, with the attendant increase in costs, or pay ever-increasing prices to the Soviet Union for metallurgical-grade ore for as long as the Soviet Union retains its desire to sell for hard currency. The result will be that our stainless steel industry will face a shortage of high grade alloy, or have to pay higher costs.

The policy of the State Department obviously harms the United States at large more than Rhodesia. Moreover, an American firm will have to face significant losses simply because of State Department zealotry. Foote says in its application:

> The nature of the Company's chromite mining techniques in Rhodesia is such that the closure of the principal mining shafts would be tantamount to the loss of the shafts, drives, and workings themselves.

A key point in the issue is that Foote did not ask for an import license which would make a return to full production possible. Foote asked only to be allowed to import enough ore to keep the mines operating at the lowest possible level. Executive Order 11322 contains authority for such an exception. I believe that the State Department's entire policy on Rhodesia is unreasonable; but its failure to grant even a minor exception for the sake of protecting American investments, vital to U.S. defense, shows that its policy is shortsighted and vindictive.

The State Department is engaged in a vendetta against Rhodesia, and against all the people in Rhodesia, black and white. Its cruelty is again evident in the facts presented by Foote:

> The company currently employs approximately 1200 native employees and 27 Euro-

pean employees in its operations. The native population directly supported with clinics, schools, housing and food production, is estimated at approximately 5000 people. The major portion of these employees and their families are immigrants to Southern Rhodesia. It is believed that the community under the burden of sanctions cannot reemploy this population, and it is anticipated by our staff that the major portion of them will have to be deported against their will, primarily to Zambia and Malawi.

Mr. President, I would like to point out one more way in which the State Department policy will directly affect American interests. It is already quite evident that the U.N. sanctions are being widely disregarded by the rest of the world, especially when it is in the interest of many nations to do so. I deplore the hypocrisy of these nations. However, at least they are realistic enough to ignore them when their own vital interests are involved. Despite the sanctions, Rhodesia has managed to export one-third of its chrome ore, principally to Japan. When the Japanese refine this ore, they are helping themselves; but if the United States is forced to import Japanese chrome, then American jobs will have gone down the drain. From the standpoint of the American economy, it is far better to import the ore and refine it here, than to import the refined product.

The American company, Foote Mineral, is in a very awkward position. Its operations are keyed to the use of its own foreign assets. If its mining affiliate were to sell to Japanese producers, or any other foreign producers, then its parent company in the United States would be seriously affected.

Moreover, if it were to abandon its mines to the Rhodesian Government for operation, the effect would still be to encourage the production of ferrochrome outside the United States.

Mr. President, the State Department must abandon its incredible policy of making us dependent upon the Soviet Union for high-grade chrome ore. In my view, the Senate Armed Services Preparedness Subcommittee ought to look into this matter, which is so vital to the U.S. defense posture. There comes a time when erroneous policies can no longer be chalked off to poor judgment; this policy must be changed.

EXTENSION OF LIFE OF JOINT COMMITTEE ON THE ORGANIZATION OF CONGRESS

Mr. MONRONEY. Mr. President, on behalf of myself and Senators BOGGS, CASE, METCALF, MUNDT, SPARKMAN, all members of the Joint Committee on the Organization of the Congress, I submit a resolution which will extend the life, through January 31 of next year only, of the Special Committee on Congressional Reorganization, and also will extend the resolution for providing the necessary funds to continue it through that period.

Unless we do this, the committee will be without funds, and for that reason all of the work that has gone into reorganization and the passage of the bill by the Senate would be lost.

Under Senate Concurrent Resolution 2, approved January 31, 1967, as amended by Senate Concurrent Resolution 32, approved June 12, 1967, the Joint Committee on the Organization of the Congress will expire December 31, 1967. Under Senate Resolution 106, approved April 11, 1967, as amended by Senate Resolution 133, approved June 12, 1967, the Special Committee on the Organization of the Congress of the U.S. Senate will expire at the same time.

March 7, 1967, the Senate passed S. 355, the Legislative Reorganization Act of 1967, by a vote of 75 to 9. Passage of S. 355 followed extensive debate of the bill by the Senate in 18 days of sessions covering a period of 6 weeks, during which over 100 amendments were offered and considered.

On March 9, 1967, S. 355 was referred to the Committee on Rules of the House of Representatives, where it is still pending. One day of hearings was held by the Rules Committee, April 11, 1967, at which time the testimony of the Honorable RAY MADDEN, of Indiana, cochairman of the Joint Committee on the Organization of the Congress, was taken. The members of the Rules Committee had not concluded their interrogation of Cochairman MADDEN at the time the session of the Rules Committee adjourned. No further hearings have been held and I am told none are scheduled at this time.

I am informed that some 34 Members of the House of Representatives, many of them chairmen of House committees, have requested the Rules Committee to afford them an opportunity to appear and present their views. In addition, the Rules Committee has received a number of communications from Members of the House of Representatives, including rather extensive memorandums prepared by staffs of committees under the direction of the chairmen of House committees or subcommittees.

Also, I am informed that some of the House members of the Joint Committee on the Organization of Congress have sought to meet some of the criticisms and objections raised to S. 355 through informal discussions and through the preparation of drafts and committee prints, with the assistance of the staff of the joint committee.

In addition, I am informed that members of the Rules Committee have studied versions of S. 355 and other reorganization bills with a view to working out satisfactory phraseology in a bill to be reported to the House. I am also informed that some of the members of the Rules Committee feel that further hearings will be necessary before any bill is reported, to hear and consider the objections raised to the provisions of S. 355 in the form it passed the Senate—that, if the Rules Committee is unable to conduct such hearings, the legislation be referred to a special committee of the House to be composed of the House members of the Joint Committee on the Organization of the Congress for the purpose of holding such hearings and reporting a reorganization bill, and to request a resolution from the Rules Committee for its consideration on the floor of the House.

It is quite apparent that there will be no opportunity for such hearings and markup of a bill before the adjournment of the first session of the 90th Congress.

Also, I am informed that Representative CURTIS, the ranking minority House member on the Joint Committee on the Organization of the Congress, with the cosponsorship of Representatives HALL and CLEVELAND, the two other minority House members of the Joint Committee on the Organization of the Congress, on November 8, 1967, introduced House Concurrent Resolution 578 to extend the Joint Committee on the Organization of the Congress through the second session of the 90th Congress.

Representative CURTIS made an explanatory statement concerning this action, which appears on page 31847 of the CONGRESSIONAL RECORD of November 8, 1967. This resolution, I am informed, has been discussed informally on two different occasions by the Rules Committee of the House in executive session, but no action was taken by the committee and it is unlikely that there will be further meetings of the Rules Committee of the House at which this matter could be considered before the adjournment of the first session of the 90th Congress.

Of course, legislative reorganization legislation, including S. 355, will remain pending in the Rules Committee of the House, as will House Concurrent Resolution 578 to extend or reactivate the Joint Committee on the Organization of the Congress.

The Senate members of the Joint Committee on the Organization of the Congress, who also compose the Special Senate Committee on the Organization of the Congress, concur with me that it would adversely affect the cause of congressional reform if we do not do all within our power to maintain the status quo over the adjournment of the first session of the 90th Congress.

The Senate overwhelmingly has expressed itself in favor of congressional reform and should maintain itself in a position to cooperate with the House of Representatives in enacting meaningful legislative reorganization. Reluctantly, therefore, we request that the Special Committee on the Organization of the Congress created by Senate Resolution 293, agreed to August 26, 1966—as amended and supplemented—be continued through January 31, 1968, and be authorized to defray expenses from the contingent fund of the Senate in an amount not to exceed $10,000.

To accomplish this purpose, I have introduced a resolution, cosponsored by my Senate colleagues on the Joint Committee on the Organization of the Congress, on which I urge the favorable consideration of the committee.

In the committee's Report No. 304 to accompany Senate Resolution 133 continuing the Special Committee on the Organization of the Congress, it is stated:

> The continuation of the special committee is being requested primarily for the purpose of possible service by its members as Senate conferees in the event that House-approved amendments to S. 355, the Legislative Reorganization Act of 1967 (passed by Senate on March 7, 1967) should not prove acceptable to the Senate.

This purpose is as valid now as it was when recited in the committee report.

The request is made for extension of

the Special Senate Committee on the Organization of the Congress only until the end of January 1968, because it is my understanding that it is the practice of the committee not to fund special committees for a longer time.

It is, of course, possible that the House of Representatives may not have taken action either on S. 355, the legislative reorganization bill, or on House Concurrent Resolution 578 to continue the Joint Committee on the Organization of the Congress during January of 1968, in which event it may be necessary to request a further extension and additional funds.

During the life of the Joint Committee on the Organization of the Congress, we have consistently returned unused substantial portions of the funds authorized and, at the time of the last extension in June 1967, we had turned back in excess of $90,000. The current funding resolution, Senate Concurrent Resolution 32, authorized the sum of $50,000 from July 1, 1967, to December 31, 1967, and I am informed that in all probability the committe will turn back in excess of $6,000 of this authorization. Since we are now requesting only $10,000 for the month of January and are turning back $6,000 of our current funds, it really means that the Senate will provide only $4,000 in new money if the Senate resolution is agreed to.

Mr. President, this resolution is necessary to salvage the work that the committee has done. Many Members will remember the bill was on the floor for a considerable amount of time, during which it was modified and amended, and all issues were thoroughly discussed. I would dislike to see this work lost by the expiration of the committee, when it needs to be extended at least until January 31 of next year, to give that much time to try to work out some type of agreement with the Rules Committee of the House as to what kind of bill can be brought to the floor of the House.

Mr. METCALF. Mr. President, will the Senator yield?

Mr. MONRONEY. I yield to the Senator from Montana.

Mr. METCALF. I deem it a privilege to cosponsor this resolution for the continuing of the joint committee. I want to compliment the Senator from Oklahoma for his superb leadership as cochairman of the committee. We had dozens of hours of hearings, heard scores of witnesses, produced page after page of testimony, comprising thousands of pages, and volumes of hearings, from experts, political scientists, historians, Members of Congress, members of bureaus, and administrative agencies downtown.

All of that work will go for naught and will die unless we give the House another chance to pass this bill, which passed the Senate by a substantial majority.

I think it is imperative if the skill and the leadership that both cochairmen have exercised and the amount of work that has been put into this measure by the committee, composed of both Senate and House Members, is not wasted and that there be another opportunity, at least a final one, for the House to pass this bill before we have to say that we will abandon the ship and abandon all the good work, all the compromises, all the steadfast work that the Senator from Oklahoma did in getting the bill through the Senate.

I want to compliment the Senator from Oklahoma for the achievements he has accomplished and for bringing this resolution up today to give us one last chance for the Congress to pass the most significant Reorganization Act since the time when the Senator from Oklahoma, as a Member of the House, participated in the La Follette-Monroney bill, which was the last reorganization bill we had.

Mr. MONRONEY. I thank my distinguished friend for his very kind compliments, and also the junior Senator from Montana for the great service he has rendered throughout this matter. I send the resolution to the desk for appropriate referral.

The PRESIDING OFFICER. The resolution will be received and appropriately referred.

The resolution (S. Res. 188) was referred to the Committee on Rules and Administration, as follows:

S. RES. 188

Resolved, That the Special Committee on the Organization of the Congress, established by Senate Resolution 293, 89th Congress, agreed to August 26, 1966 (as amended and supplemented), is hereby continued through January 31, 1968.

SEC. 2. The special committee is hereby authorized to exercise the powers conferred upon it by section 2 of Senate Resolution 311, 89th Congress, agreed to October 17, 1966, through January 31, 1968. The expenses of the special committee from January 1, 1968, through January 31, 1968, shall not exceed $10,000, and shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the special committee.

WHEAT PRODUCTION AND RESERVE INCENTIVES

Mr. MONRONEY. Mr. President, I take the floor to strongly urge that before the year is ended, the distinguished members of the Senate Committee on Agriculture and Forestry take up the bill (S. 2617) of which I have the honor to be a coauthor, together with the Senator from South Dakota [Mr. McGOVERN].

This bill is very similar to the Purcell bill on wheat. It would set up an emergency reserve on wheat in the amount of 200 million bushels, to be controlled by the farmer, and for the storage of such wheat. This would provide an ever-normal storage situation for this most vital of all crops.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. MONRONEY. I yield to the Senator from Oregon.

Mr. MORSE. I wish to say I completely share the point of view of the Senator from Oklahoma and the Senator from South Dakota and, the next time the bill is printed, I should like to be included as a cosponsor.

Mr. MONRONEY. I should be very grateful for the great assistance the senior Senator from Oregon could provide on this bill.

This is the cheapest means of assuring the safety of our food supply I have ever had the privilege to support. It will cost us only the amounts that will be required for the storage, at the regular market rate. But the farmer, and not the politician, will be in charge of releasing the wheat if the carryover should drop below the normal annual requirements.

This would keep the wheat supply from moving up and down like a yo-yo. We have been adjusting the wheat acreage upward 1 year and then, through the good fortune of having a bumper crop when other wheat-producing nations also have high yields, we have an oversupply. This tears the price down and requires a reduction of acreage.

This measure, as I have stated, follows closely the Purcell bill, which I regret to say was killed by the minority members of the Agriculture Subcommittee on Grains of the House of Representatives. To have reported that bill instead of killing it would have been a great step forward. I am sorry to say all but two of the votes were strictly along party lines, and the bulk of the influence in killing it was the result of an adamant and, I think, unreasonable minority.

After it was killed, the price of wheat dropped some 10 cents a bushel in price, and the price has remained low, because we have an overhang from the increase of our acreage and the increase of our supply.

I urge hearings by the Committee on Agriculture on this bill, so that we can give some hope to the wheat farmers that they will not, by excess production, suffer the price penalty that endangers the supply of a food vital for human consumption.

An outline of the bill, prepared not by myself but by the National Association of Wheat Growers, strongly supports the McGovern-Monroney bill. The association has summarized and briefed the bill very succinctly, and I ask unanimous consent that the outline, as published in the National Association of Wheat Growers Report From Washington of November 3, 1967, be printed in the RECORD at this point.

There being no objection, the outline was ordered to be printed in the RECORD, as follows:

1. The Secretary of Agriculture is authorized to enter into agreements with producers to place not more than 200 million bushels of wheat from the 1967 crop in storage as reserves.

2. The stored reserves would remain in the hands of the producer and in return for entering into the agreement he would receive an interest free loan of 115% of present loan values. In addition, storage costs on the reserves would be paid by the Secretary.

3. If carryover of wheat should drop to 15% of annual requirements (210 mil. bus.), the Secretary could terminate enough of emergency reserve contracts to replenish the supply available to the free market by 5% (70 mil. bus.). If the emergency absorbed that and stocks fell again, he could terminate more contracts, but not more than 5% of a year's supply at a time.

4. Producers could terminate the agreement at the beginning of a marketing year by giving notice of such termination not less than 60 days before the beginning of such marketing year.

5. If the Secretary initiates the termination, the producer could sell the commodity and repay the loan or he could continue to

hold at his own expense (storage and interest). He would have a year to arrange for other credit to repay the advance, to sell and settle, or deliver the grain to the Secretary.

6. If the producer initiates the termination, he must repay the loan at time of sale or deliver the wheat to the Secretary.

7. Provision would be made for stock rotation.

8. Provisions are also included in the bill for feed grains and soybeans.

Mr. MONRONEY. Also, because the bill itself is brief and, strangely enough for an agricultural bill, easily understandable by a lay reader. I ask unanimous consent that it be printed in the RECORD. It provides a clear indication of the great good its passage would do.

Again, I appreciate deeply the endorsement of the bill by the senior Senator from Oregon, and the great help I am sure he can provide toward securing its early passage.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2617

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. It is the policy of the Congress to establish and maintain reserves of storable agricultural commodities adequate to meet any foreseeable food and fiber shortage which might arise in the Nation as a consequence of any natural disaster, adverse food production conditions for one or more years, military actions, or other causes, and to assist other nations of the world in any food emergency. It is further the policy of Congress to establish much reserves in the control of producers in years of surplus production and to assure their segregation from the commercial market so that existence of the reserves will not affect the level of market prices.

SEC. 2. The Secretary of Agriculture is authorized to enter into agreements during fiscal year 1986 with producers of not more than two hundred million bushels of wheat, five hundred million bushels of corn and/or its equivalent in other feed grains, and seventy-five million bushels of soybeans, all from the 1967 crop, to place such commodities in storage under their control until released under the provisions of this Act. To the extent possible, the opportunity to make such agreements shall be extended to producers who are cooperating in the appropriate programs on a pro rata basis. In consideration of the producers' agreement to store such commodities, the Secretary shall make loans to the producers at 115 per centum of the current price-support loan rate on the commodities stored out of funds of the Commodity Credit Corporation, without interest, and shall pay reasonable storage charges each year so long as the commodities are not required for consumption: *Provided,* That when the domestic supply of wheat available to the commercial market at the beginning of a marketing year drops below 15 per centum of the year's requirements, the supply of feed grains drops below 10 per centum of the year's requirements, or the supply of soybeans drops below 5 per centum of the year's requirements, the Secretary of Agriculture may, on sixty days' notice, terminate the payment of storage charges and waiver of interest charges on a sufficient amount of the earliest agreements to restore the commercial market supply of wheat and feed grain to a level 5 per centum of one year's requirements above the level at which the release of such emergency reserve commodities occurs, and of soybeans to a level 3 per centum above the release level. The holder of an agreement thus terminated shall have not less than a year following the termination notice to repay any Government advances against the commodity involved, or until the time of sale of such commodity if it occurs earlier, together with interest at a rate of not more than 5 per centum per annum from the date of termination of the reserve agreement, or to deliver the commodity to the Government, in discharge of any obligation.

SEC. 3. Producers may, under regulations prescribed by the Secretary of Agriculture, rotate commodities to keep the reserve stocks in good condition. A producer may terminate his agreement to carry emergency reserves at the beginning of a marketing year for such commodity by giving the Secretary of Agriculture notice of such termination not less than sixty days before the beginning of such marketing year, and by repaying any loans or advances to the Government at the time of sale, or by delivering the commodity to the Secretary of Agriculture.

SEC. 4. The Secretary of Agriculture is hereby directed to have a study made of national and world food reserve requirements. Such study shall cover (1) wheat; (2) feed grains, including corn, barley, sorghum, oats, and rye; (3) soybeans; (4) upland cotton; (5) rice; and (6) flaxseed. A report of findings of such study shall be filed with the President of the Senate and the Speaker of the House of Representatives as soon as possible but not later than May 1, 1968, and it shall include, but not be limited to:

(1) The average year-to-year yields of each of such commodities since 1900, adjusted for trend, and the differences in annual production such variations in yield might make from an acreage adequate at average yield to meet estimated national requirements in 1968;

(2) The cumulative deficit in supply which might result from a succession of below-average years comparable to any such succession of below average years which has occurred since 1900;

(3) The differences in year-to-year requirements for each commodity domestically, and in foreign trade and use, to reflect upsurges in demand on our supplies of each commodity resulting from natural disasters here or abroad, below average crops here and abroad, wars, or other causes.

THE SOCIAL SECURITY AMENDMENTS OF 1967

Mr. MONRONEY. Mr. President, I wish to say that I consider the Bayh amendment, which was agreed to by a vote of 50 to 23, to raise the limits of what a retiree on social security can earn from $1,500 to a total of $2,400 a year, as being one of the most important steps we have taken in social security matters. I have urged the adoption of this principle over a period of a great many years, as a member of both the House of Representatives and the Senate.

This, I believe, is a great forward step in assuring the dignity of our elderly citizens, insuring that they shall not be penalized because they are industrious enough, their work habits are strong enough, their health good enough, and their desire to be useful great enough to seek employment.

It has always seemed to me a tragedy for a system which has held itself out to the world to be a model for the world to follow to say to a beneficiary of our old age assistance system, "If you earn more than $1,500 a year, you are going to be penalized progressively for the extra work that you do."

We can utilize without hindrance by this amendment a great reservoir of wonderful people. They will pay social security taxes and income taxes on their earnings, and the only way that I can rationalize the costs that are attributed to this amendment by the committee is to say that they will result from reducing the amount of money that would otherwise be taken from those retirees who choose to work.

As the law now stands, if they work hard enough, if they are successful enough to obtain employment despite their age, then the Government will exact a tax that runs up to 50 percent of everything they make, in order to comply with a completely obsolete social security rule. That rule was put into the first social security law, when we were frightened at the number of people in our labor supply.

We know now, from experience, that our labor supply can run short, particularly in many of our highly industrialized areas, and we should seek to use this pool of skills we have. We should not let it deteriorate, and these people become the victims of depressive feelings because they are not allowed to work, or, if they do work, will be forced to forfeit so much of their earnings that they will feel they have been put on the shelf, that the country has passed them by, that their day of usefulness has ended. If they choose to do so, I think they should be permitted to work, and I commend the Senator from Indiana [Mr. BAYH] for his foresight and his able advocacy of this amendment.

I plead with the members of the conference committee, when they go to conference, to insist, as the No. 1 condition of bringing the bill back, upon this long-postponed right which our elderly citizens should have to make themselves useful, when they are healthy enough and when they desire to do so, and can go out and find a job. It has always seemed to me that being over 65 is hard enough without, in addition, having to pay such a penalty. Having to pay back what you earn over $150 is contrary to American traditions, and contrary to the interests of the people who have retired. I commend Senator BAYH for his great insight in conceiving this amendment, and his generalship in having added to the bill something that will long be remembered as a giant stride forward in social security, in fair treatment of the retired, and in preserving the human dignity of our people over 65, who have not grown old—because 65 is no longer old—but who, by the standards of our giant industrial corporations, must be pushed aside on the day they attain that age, and who, under our American system, are apt otherwise to have to spend the rest of their lives in idleness and indignity.

I point to the examples of two leading citizens of Oklahoma to illustrate my point.

The chairman of one of the leading banks in Oklahoma, the Honorable Dan Hogan, passed his 100th birthday last week. The President of the United States sent him a wire of congratulations. He is still active in the bank, and only 2 years ago gave up quail hunting because he had passed the age of 98.

The publisher of two of Oklahoma's outstanding newspapers, also a man who manages not only those, but the Farmers' and Stockmen's Magazine and radio and television stations all over the country, is working actively at the age of 94, and he walks more erectly, more rapidly, and with greater vigor than do I and many of my younger friends in the Senate.

So, I say that there is the value of gold in this change in the social security law. These people must not be wasted by America. America must not allow them to feel cast off and out of society in a Nation that prides itself on work and work habits.

I appreciate again the authorship of the amendment by the distinguished Senator from Indiana [Mr. BAYH] and I thank him for his great ability.

I thank the distinguished Senator from Oregon [Mr. MORSE] for his able support of this very fine amendment that was agreed to by a majority of 50 to 23.

I thank the distinguished senior Senator from Indiana [Mr. HARTKE] who has worked in this field, and I believe he would have offered an even greater opportunity for income had the Senate seen fit to go along with his proposal.

Mr. BAYH. Mr. President, I thank the senior Senator from Oklahoma for his kind remarks and for his support in securing the adoption of this amendment. The Senator from Oklahoma, the distinguished chairman of the Post Office and Civil Service Committee, long has championed the cause of the elderly. He has urged, on numerous occasions, that our civil service laws be revised so that capable senior citizens may continue to contribute to society.

I join with the Senator from Oklahoma in urging the distinguished Chairman of the Finance Committee [Mr. LONG] to press the conferees to accept this needed change in the earnings test. The emphatic endorsement of this amendment, by a vote of 50 to 23, late last evening should indicate to the conference committee that we feel very strongly that the new $2,400 limitation should be retained.

Again, I thank the Senator from Oklahoma.

Mr. MORSE. Mr. President, I commend also the distinguished Senator from Indiana for the legislative record he has been making on the floor of the Senate today in support of the social security bill that we passed earlier this morning.

It is a record that needs to be made in view of the gross misstatements that have appeared in the American press and American periodicals of recent date concerning the soundness of the social security fund.

I think it is most regrettable that as a result of this type of journalism many old people in this country have been instilled with fear and uncertainty concerning the stability of the social security fund, its financial soundness, and its actuarial soundness.

I have two reservations about the bill we passed that I think give us a challenge for correction in the immediate future.

The minimum monthly benefit is raised to $70 a month in the Senate bill compared to $50 a month in the House bill. However, $70 a month, in my judgment, is far short of the monthly support that anyone on social security should receive if we are to carry out our moral and humanitarian obligations to the old people of this country.

Let us not forget that it is the population of America that makes our economic system, not our financiers, except only to the extent that they are part of the population.

I am often amused as I listen to a lot of stuffed shirts in this country tell about what great self-made men they are. However, I have yet to meet the first self-made man, for all of us are the beneficiaries of the environment through which we have lived our lives.

Some have greater opportunities and some have advantages thrust upon them. I, of course, would be the last to deprecate incentive and ambition and hard work and insight. But, there is little support ever received from me on the part of the wealthy who seem to think that what they have they are entitled to keep without any relationship to carrying out their moral obligations to the less fortunate. For what they have is the product not so much of their own efforts, but rather they are the beneficiaries of a great economic system.

So I joined with the Senator from New York [Mr. KENNEDY] in S. 1009, through which we sought to raise the minimum social security benefit to $100. And the senior Senator from Oregon will never lag in that drive to accomplish that legislative goal.

All the people owe it to the elderly. We need to demonstrate that it is because of our system of economic freedom that the entire population produces the goods by varying degrees of efforts and there are contributions on the part of each person to build up this great national economic productive effort.

But I have another reservation with regard to this bill. That relates to the tax provision which calls for a payroll tax of 5.2 percent on employer and employee starting in 1971. It rises to 5.8 percent by 1980.

It is my personal feeling that that payroll tax is scheduled to go entirely too high. It is my personal feeling that it should be leveled off to not more than 5 percent, and then whenever additional revenues are necessary to keep the trust fund sound—and it is sound today—it should not be by way of increased social security taxes on either the worker or the employer. The necessary additional funds should come out of the General Treasury, on the basis of a recognition of a national obligation, through the Federal Treasury, to see that the social security trust fund is kept in an actuarially sound position, so that an adequate amount of monthly benefits can be paid the aged of this country so they can live out their lives in health and decency and happiness.

I hope that this change can be made before the payroll taxes go above 5 percent. That is why I hope another drive will be made next year to see that the tax is brought back to not more than 5 percent.

Now I wish to direct a question or two to the Senator from Indiana.

The tax provisions contained in the Senate bill will mean that the social security trust fund will remain sound financially. Am I correct in that conclusion?

Mr. HARTKE. Not alone sound, but also, a surplus is created each year.

Mr. MORSE. As the Senator pointed out earlier this morning, an attack was made upon the amendments that were adopted in the Senate to this bill, amendments which are long overdue. The attack made on the floor of the Senate sought to leave the impression with the American people that those amendments would leave this fund financially unsound. I ask the Senator from Indiana, is it not true that even the cost of the amendments we have adopted will not leave this trust fund unsound?

Mr. HARTKE. It will leave the fund absolutely sound. The Senator is 100 percent correct in his assessment.

Mr. MORSE. Well, scare articles have appeared in magazines and newspapers. Every Senator has received a quantity of mail from frightened old people who have read a deceptive article in a recent issue of Reader's Digest, giving the American people the impression that the social security trust fund is unsound.

It is most unfortunate that such misleading writings are perpetrated upon the old people of this country, to stir up the fright that that article and others have stirred up.

The money collected from the payroll tax goes into the trust fund and cannot be used for any purpose other than claims for social security benefits. In making our legislative history at this time, I wish to ask the Senator from Indiana, a member of the Committee on Finance, who offered some of the amendments that have been adopted and who took a leading role in writing this bill within the Finance Committee, if it is not true that the payroll tax goes into the trust fund and cannot be used for any purpose other than claims for social security benefits.

Mr. HARTKE. This is the law, and anyone who violates that provision would be violating the law. The Senator is correct.

Mr. MORSE. Yet, if you read the Reader's Digest article, with the shocking journalism that characterizes this article, you get the impression that this money is siphoned away, to be used for other purposes, that it even can be used for some of our foreign aid programs. But the Senator from Indiana has given the answer, and the answer is that this money can be used only to pay social security claims.

That is not to say that all this cash is kept in the trust fund. Whatever is not needed to pay current claims is invested in Government bonds. I suppose that is where the charge originates that it is used for other purposes.

But the Government bond is as sound as the Government currency. The workingman who buys a U.S. savings bond has not spent his money; he has saved

it in the soundest form of investment there is.

The same is true of his payroll tax that goes into the social security trust fund.

Mr. HARTKE. This is correct.

I believe it should be clarified that there is authority in the law for the Treasury to borrow money. But if they borrow money from the trust fund, just as they would from any private bank, they have to pay interest to the trust fund for all the money they borrow.

Mr. MORSE. That is my next point, but one does not get this from reading the yellow articles to which I have referred. The trust fund earns money from the interest.

Of course, the trust fund is subject to borrowing by the Government. But what is behind the borrowing? The Treasury of the United States, the wealth of the Nation.

Mr. HARTKE. The Senator is correct.

Mr. MORSE. No stronger security is available in the world.

When these writers give the impression that something tricky, that something unethical, that something shady is being done by their Government in connection with borrowing money from this trust fund, or other trust funds, I believe that the comments I am making on the floor of the Senate this afternoon are called for, because I believe in correcting falsehoods.

Mr. President, it is too bad that such falsehoods have been spread and perpetrated upon innocent old people, to frighten them and cause them to believe that something is being done by their Government that jeopardizes their hope for economic security, to the extent that social security gives them economic security, in their old age.

Is it not true that funds not needed to pay immediate claims are invested in Government bonds?

Mr. HARTKE. That is true.

Mr. MORSE. The Senator being the financial expert he is, will he agree with me that there is not a sounder investment in our country than investment in Federal Government bonds?

Mr. HARTKE. That is absolutely the most sound investment, backed up by the wealth of the United States, the full faith and credit of the United States; and therefore it receives a lower rate of interest than any other instruments of the United States.

Mr. MORSE. Does it not also follow that when an individual worker puts his savings into Government bonds, he really has not spent his money, but he has saved his money and draws interest on this money and helps his Government to make funds available so that it, in turn, can meet the budgetary costs of Government expenses, and that the face amount of the bond is paid back at maturity to the owner of the bond?

Mr. HARTKE. The Senator is correct.

Mr. MORSE. I appreciate the Senator's assistance in making this legislative history; because, as we all know, what is said on the floor of the Senate at the time a bill is passed has much bearing on future interpretations of the bill from the standpoint of the intent of Congress.

I hope we will hear no more about the social security fund being insecure, and I also hope that future Congresses will alleviate what the Senator from Louisiana rightly calls the highly regressive nature of the payroll tax, by leveling it off to 5 percent, and making further contributions to the trust fund out of general revenue.

The Senator from Louisiana, the chairman of the Committee on Finance had hoped to remain in the Chamber in order to participate in this colloquy with the Senator from Indiana and the Senator from Oregon. As always, I tried to accommodate other Senators who had to leave, by waiting to present material of my own until they had been accommodated. The Senator from Louisiana remained in the Chamber as long as he could, but I am privileged to say that he agrees with the observations that the Senator from Indiana and the Senator from Oregon have made concerning the soundness of the social security trust fund. I thank the Senator from Indiana very much.

Mr. HARTKE. Mr. President, I yield the floor.

DEATH OF MRS. NANCY KEFAUVER

Mr. BAKER. Mr. President, on Monday, November 20, 1967, Mrs. Nancy Kefauver, the widow of the late and distinguished Senator Estes Kefauver, died in Washington.

Mrs. Kefauver was a woman of great substance and stature in her own right. She added great stature and luster to the distinguished career of her statesman husband who predeceased her.

It was an extraordinary and unusual thing that on the occasion of this past Monday evening, I had talked with Mrs. Kefauver at some length about her continuing interest in the promotion of American art for distribution among the embassies of this Nation around the world and about matters of common interest in Tennessee and about numerous friends that Mrs. Kefauver, Estes Kefauver, and I have enjoyed over the years in Tennessee.

I felt the loss of Mrs. Kefauver's untimely demise even more keenly for the immediate conversations I had with her some 30 minutes before her death in the banquet hall on the occasion of the awards dinner for the veterans of the Office of Strategic Services.

Nancy Kefauver and Estes Kefauver are survived by a fine family. But more than that, Mrs. Kefauver and her husband are survived by great reputation and by great stature in their native State of Tennessee.

Estes Kefauver's following in Tennessee was in fact and in deed bound up with the admiration and respect that the people of Tennessee held for his wife, Nancy. And she contributed significantly to the building of that Kefauver following which was so distinct and which existed so strongly in the State of Tennessee during his career in the House of Representatives and in the State and does, in fact, still exist in Tennessee.

I first met Estes Kefauver when I was a very young child. My father and the late Estes Kefauver had attended the University of Tennessee together.

I met Mrs. Kefauver shortly after Senator Kefauver and she were married in the midthirties. I have known her since that time and until her untimely death on Monday of this week.

I simply say for the RECORD, Mr. President, that Tennessee, the people of our State, Republicans and Democrats alike, the Nation, the world of the arts, and the entire world have lost a great human being and have witnessed the end of a great legacy of public service with the death now of the widow of the late Senator Kefauver, the two having contributed so much to the fabric and tradition of the political life of this Nation.

STANDARDS OF CREDIBILITY

Mr. MORSE. Mr. President, for some time I have been concerned, as I am sure other Senators have been, about the credibility gap. I have not been one who has been backward about criticizing the administration in its conduct of foreign affairs, especially as it pertains to Southeast Asia.

However, I am concerned that we are developing in this country different standards of credibility and different types of credibility gaps. There appears to be one credibility gap for Republicans, another for Democrats. There appears to be one standard of credibility for Republican Presidents, or would-be Presidents, another standard for Democratic Presidents. There even seem to be two standards of credibility for the east coast and the west coast.

I am reminded of this because of recent developments in California wherein Gov. Ronald Reagan denied that he had dropped two homosexuals from his staff. This is not a pleasant subject to discuss, but it was certain Republicans in the era of McCarthyism who first raised the subject of homosexuals in government, and in 1964 it was Republicans who were highly critical of the fact that one unfortunate man on the staff of the White House was discovered to be in this category.

I am not so much concerned about the question of homosexuality in this particular case as I am in the question of truth. Without truth governing American public life, we are headed for decadence.

I am particularly concerned about the suppression of truth and suppression of news by some Republican newspapers.

I have before me a report by Tom Wicker, published on page 1 of the New York Times of November 5, which states that although Governor Reagan "publicly has denied that Lyn Nofziger, his press secretary, told reporters that two Reagan staff members had been dismissed as homosexuals, the New York Times has learned that Mr. Nofziger did make such a statement on several occasions."

The Times goes on to name three reporters, Paul Hope of the Washington Star, David Broder of the Washington Post, and Carl Flemming of the Los Angeles Bureau of Newsweek, to whom Nofziger had unfolded and confirmed the manner in which the unfortunate members of Reagan's staff were dropped.

The Times also reports that Nofziger "made the same allegation to three west

coast reporters, Carl Greenberg of the Los Angeles Times, Jack McDowell of the San Francisco Examiner, and Bill Ames of the Columbia Broadcasting System."

I ask unanimous consent that the article be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MORSE. Mr. President, however, what I am concerned about is that very few California newspapers published the original column carrying the account of Reagan's handling of this case. I am particularly concerned about the report that Governor Reagan had an arrangement with California newspapers that they would not publish the "Washington Merry-Go-Round" column of October 30 on this subject. Reagan, in his press conference of October 31, made statements to the effect that some papers had "violated the agreement." This apparently referred to an agreement not to publish.

This would appear to be a strange case of voluntary suppression of the news, censorship if you please, exercised directly or indirectly by the Governor of California. Some of these newspapers on the west coast have been highly critical of the so-called credibility gap in Washington. Practically all of these newspapers are Republican. In fact, I am informed that there are only three Democratic newspapers in the entire state of California.

Recently there has been a move to combine the once many newspapers in San Francisco into only two and the many newspapers which once flourished in Los Angeles into two. I wonder, therefore, whether this trend toward monopoly of the news also means suppression of the news.

In Los Angeles the Los Angeles Times has been involved in an antitrust suit brought by the Federal Government against it and a Federal court has ordered it to divest itself of the San Bernardino Sun. The Los Angeles Times is owned by the Chandler family. Recently there was apparently some kind of an agreement with the Hearst family that one family would monopolize news in the morning field, the other in the evening field.

Does this mean that the Governor of California is able to manipulate the press? Does it mean that there can be a credibility gap on the west coast and the newspapers of California will ignore it? I note that the New York Times report said Carl Greenberg of the Los Angeles Times was aware of the facts in this case but did not report on them and did not comment on the credibility gap after it was published in the East.

There appears to be two different standards for the east coast and the west coast in this case as well as two different standards for a would-be Republican President, Governor Reagan, and a Democratic President, Lyndon Johnson. On the east coast the Washington Star, as well as the New York Times, has spoken out regarding Governor Reagan's attempt to suppress the news. I ask unanimous consent to have printed in the RECORD an editorial from the Star of November 7.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. MORSE. Mr. President, I have asked the Library of Congress to research the news treatment given by the California press when a somewhat similar incident occurred in Washington in the fall of 1964 when President Johnson dropped a member of his staff. The contrast is striking in the extreme. There were big headlines in the California newspapers calling attention to the homosexual who was dropped from the White House staff. But President Johnson did not conceal it. President Johnson expressed great sadness, as any of us would, over such a human tragedy; but he did not seek to deny the fact.

In contrast there was a wall of silence in the California press regarding the two homosexuals who were dropped by Governor Reagan. And there was a blackout of the "Washington Merry-Go-Round" column dealing with this subject on October 30, 1967.

Let me quickly point out that the discovery of homosexuals on any staff does not indicate that it reflects upon the employer. That is lost sight of by many persons. The fact that the homosexuals are found in no way reflects upon their boss. I, therefore, from that standpoint, am at a loss to understand why this coverup in this case.

I ask unanimous consent to have printed in the RECORD the accounts of the White House action in 1964.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. MORSE. Mr. President, for some time Representative JOHN MOSS, of Sacramento, our distinguished colleague in the other Chamber, has been conducting a very salutary investigation of the suppression of news by the Federal Government. I hope Mr. Moss has also concerned himself with suppression of news by Republican newspapers and the suppression of news in the State of California. I suggest perhaps that this is a subject to which he might give some attention. There appears to be a very definite difference in the treatment of credibility on the west coast as against the east coast.

This has not always been the case. It appears that when a Republican candidate for President or a Republican President is in office that the press is much more lenient with him whether it be the east coast or the west coast.

I recall that during the 1960 election there was revealed an amazing story showing that the brother of the then Vice President, Don Nixon, had borrowed $205,000 from Howard Hughes on rather insignificant security—a loan which had many political ramifications due to the fact that Mr. Hughes, a defense contractor, had various questions and problems before the Federal Government. So big a loan—$205,000—would not have been given to an ordinary individual unless he was very close to a man in a powerful position, such as the Vice President, who was then running for President.

What I am interested in, however, is the news treatment given to this story. Significantly the New England newspapers, concerned over the failing influence of the press, appointed a board of distinguished editors to examine the news treatment of the credibility gap. This board was composed of Norman Isaacs, managing editor of the Louisville Times; Carl E. Lindstrom, former editor of the Hartford Times; and Arthur Edward Rowse, an assistant city editor of the Washington Post. They chose as an illustration of news treatment the $205,000 loan to Vice President Nixon's brother, together with the move of the Roman Catholic bishops in Puerto Rico to influence the election there at a time when John F. Kennedy's religion was a campaign issue in the 1960 election. The latter story was highly embarrassing to the Democratic nominee, yet the editors found that the Puerto Rican Catholic story was played big in the New England press.

The second story regarding Nixon's brother and his loan was embarrassing to the Republican nominee for President, and this was played down in the New England press.

In other words, the editors, appointed to study the credibility gap and the waning influence of the press, found that there was a specifically and definitely different credibility gap regarding a Republican candidate for President of the United States and a Democratic candidate.

This is so serious a charge and is so important to our body politic and to a free press that I ask unanimous consent to insert this study in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 4.)

Mr. MORSE. Mr. President, a study of its findings will show an amazing blackout by the Republican press of all references to the Howard Hughes loan to Nixon's brother. The Nixon office had issued a denial of the story, and this was given considerable space, even though the original story regarding the loan had not been published.

In other words, we do have two standards of credibility for a Republican as against a Democrat when it comes to our 80-percent Republican press.

I am sure that most Senators will remember that the press carried headlines regarding the hi-fi set given to the then Senator from Texas, Lyndon Johnson, by the then Senate Secretary, Bobby Baker. The revelation of the hi-fi set was made when Mr. Johnson had entered the White House, but the gift occurred when both the donor and the recipient were in the Senate.

I am sure that many of you will recall also that headlines were carried in almost every newspaper in the United States when a Deepfreeze was given to President Truman through his military aide, Gen. Harry Vaughan, from a manufacturer's agent in Wisconsin. The value of the Deepfreeze at that time was stated to be $1,200. The hi-fi set was valued at around $800. These widely publicized stories were regarding Democratic Presidents. However, when a Republican

President, Dwight D. Eisenhower, received many gifts for his Gettysburg farm, ranging from a John Deere tractor with radio, to a completely equipped electric kitchen, various ponies and prize black Angus, landscaping, furniture, and other farm machinery worth more than half a million dollars, there was very little reported in the press. One exception was the Des Moines Register, whose Fletcher Knebel carefully listed the amazing number of gifts presented to the Republican President. But there were no headlines in the rest of the press.

There was an even greater blackout of the news when it was revealed that the President had received a monthly income from three oilmen, W. Alton Jones, then head of Cities Service; Billy Byars of Tyler, Tex.; and George E. Allen, director of about 20 corporations, who had paid the expenses and losses for the Eisenhower farm and maintained a joint bank account for this purpose in the Gettysburg National Bank.

The chief expenditure for the Eisenhower farm had been the construction of a show barn, $20,000; three smaller barns, about $22,000; remodeling of schoolhouse for the home of John Eisenhower, $10,000; remodeling of Eisenhower's main house, $110,000; landscaping of 10 acres around the Eisenhower home, $6,000; salary of Gen. Arthur S. Nevins, farm manager, at $10,000 a year; assistant manager's salary and expenses for 6 years, $60,000; salary for hired hands, a total of about $180,000.

This was a far greater series of gifts than the $1,200 Deepfreeze to Harry Truman or the $800 hi-fi set given to then Senator Lyndon Johnson. However, the credibility gap was such in the American press that the American people still do not know of the gifts to Eisenhower, whereas I am sure they remember the relatively minor gift to Harry Truman and the minor gift to Senator Johnson.

I am not sure that any committee of the Senate has jurisdiction over the suppression of the news as does the committee of the House under Representative Moss, of California. It may be that the Judiciary Committee of the Senate would have jurisdiction over the question of whether California newspapers have violated the Sherman Antitrust Act to a point that they are suppressing the news.

I call this matter to the attention of my senior colleague from Michigan, the distinguished chairman of the subcommittee on monopoly, and suggest that he may care to look into the matter.

Mr. President, the last item to which I want to refer, which I will ask to be printed in the RECORD later, but wish now to read a paragraph or two, is from the November 19, 1967, San Francisco Examiner and Chronicle in an article written by Marianne Means.

It reads in part as follows:

Political leaders of both parties here are deeply perplexed and disturbed by Governor Reagan's angry denial that he fired two staff members for belonging to a homosexual ring.

His statements were made in bland disregard of the fact that one of his current employees had personally informed reporters about the problem.

Reagan's later protestations that his denial was merely to protect the individuals involved did not explain why he originally did not simply refuse to comment rather than attempt to mislead.

Mr. President, let me make this comment about this rationalization or alibi of Governor Reagan, that he did it to protect the individuals involved. But not a thought, apparently, was given by him to his false charge that the Drew Pearson story was not true. In the story which first brought out the fact that he did dismiss these two men, he referred to the writer of that story, Mr. Pearson, as a liar.

Now I hold no brief for Mr. Pearson. I have had my disagreements with Mr. Pearson but as a lawyer, I always confine myself to the facts of the instant case. Mr. Pearson is known as a journalistic muckraker and probably has no peer in the history of American journalism as a journalistic critic of misconduct by government officials. Sometimes he makes mistakes of fact and mistakes in accusations and he himself doesn't hesitate to admit them. However, it is generally recognized that his courageous journalism has served the country well time and time again as he has carried out in his column his journalistic watchdog activities.

Mr. President, in the instant case, the columnist wrote the truth. Reagan as a potential candidate for a possible Republican nomination to the Office of President of the United States lied when he told the press that the Pearson column was not truthful.

All I want to say, as a lawyer, is that we lawyers know, when we find a witness to be untruthful on one occasion in one respect, that we cannot rely upon him or at least he is under suspicion as to his veracity in other instances.

The fact is, when the heat was on, Reagan lied. The documentation is unanswerable. The witnesses are available. There is no question as to what was told the newspaper reporters about the dismissal of these two unfortunate and tragic individuals from his staff.

Mr. President, I ask unanimous consent to have the entire article written by Marianne Means printed in the RECORD at the close of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 5.)

Mr. MORSE. Mr. President, I want to say that the American people are entitled to have the credibility gap closed, on both coasts and in between, in regard to misstatements by Republicans and Democrats alike.

I happen to believe that the viability of our system of Government depends upon those who hold public trust to tell the truth. That is why this voice has been raised in protest so many times in my 22 years of service in the Senate, time and time again, over misrepresentations whenever I have come upon them.

I think that this misrepresentation by the Governor of California is so gross that it needs to be answered. I think that the press had a duty in this case to keep faith with a free press in this country and not squelch the news.

Mr. President, I yield the floor.

EXHIBIT 1

[From the New York Times, Nov. 5, 1967]

REAGAN REBUTTED ON AIDES' OUSTER—HOMOSEXUALITY WAS REASON, PRESS SECRETARY ADMITTED

(By Tom Wicker)

WASHINGTON, November 4.—Although Gov. Ronald Reagan of California publicly has denied that Lyn Nofziger, his press secretary, told reporters that two Reagan staff members had been dismissed as homosexuals, The New York Times has learned that Mr. Nofziger did make such a statement on several occasions.

Mr. Nofziger gave that explanation of the dismissals to at least three reporters aboard the S.S. Independence, as it sailed to the Virgin Islands last month with the 1967 National Governors Conference aboard.

Mr. Nofziger, reached by telephone at the Santa Monica Airport, said:

"This is a closed subject and I don't have any comment to make."

The three reporters were Paul Hope of The Washington Evening Star, David Broder of The Washington Post and Karl Fleming of the Los Angeles bureau of Newsweek magazine.

Before that, Mr. Nofziger made the same allegation to three West Coast reporters Carl Greenberg of The Los Angeles Times Jack McDowell of The San Francisco Examiner and Bill Ames of the Columbia Broadcasting System.

None of them would comment publicly, either.

Mr. Nofziger made his comments to these reporters long after the men in question had left the Reagan staff. Therefore, the reporters considered the incident closed and none of them wrote or broadcast about it.

Last week, however, the columnist Drew Pearson alleged in a syndicated article that two homosexuals had been dismissed from the staff and that Mr. Nofziger had told this to reporters aboard the Independence.

Mr. Reagan then held a news conference at Sacramento last Tuesday.

Of the report that Mr. Nofziger had told reporters aboard the Independence that two aides had been dropped for homosexual activities, the Governor said:

"I'm prepared to say that nothing like that ever happened."

DENIAL BY REAGAN

Later in the news conference, Mr. Reagan said that he had "even heard rumors also that behind closed doors I have made statements to the press and this is just absolutely not true."

"I want to confirm it, Lyn?" he asked.

Mr. Nofziger, who was at the news conference, raised his hand and said "confirmed."

The two statements together constituted apparent denials that either Mr. Nofziger or Mr. Reagan had told reporters aboard the Independence that two staff men had been dismissed as homosexuals.

The New York Times has learned, however, that one reporter asked Mr. Nofziger directly why a former member of the Reagan staff had left. The press secretary replied with the allegation that the man in question was a homosexual.

The reporter asked Mr. Nofziger why he would give out such information.

Mr. Nofziger replied that the deposed aide had been spreading the word that he was still influential with Governor Reagan. Therefore, Mr. Nofziger said, some members of the Governor's staff had decided to give the facts when asked about the former aide.

EXHIBIT 2

[From the Washington Star, Nov. 11, 1967]

THE FALLEN KNIGHT

Ronald Reagan, the white knight of the GOP presidential hopefuls, has just undergone his first major trial in the journalistic

lists and has fallen flat on his face. Whether he can ever restore his armor to its original dazzling shine is very much open to question.

The California governor's unhorsing came when he was asked, during a televised press conference, about a syndicated article by columnist Drew Pearson in which it was stated that two homosexuals had been fired from Reagan's staff. Reagan, the article said, had harbored the two men for months after the scandal became known. Pearson added that Lyn Nofziger, Reagan's press secretary, had told a few reporters during the recent governors conference about the firing and the reasons for it.

Up until the moment of the press conference, Reagan had acted with integrity and propriety. When the rumors started, an investigation was carried out. As a result of that investigation, the two men were quietly dropped from Reagan's staff. The governor's insistence on morality in official life and his personal compassion for tragic human frailty were both well served.

When asked about the matter, it would have been simple—and quite legitimate—for Reagan to present himself in a most favorable light, while making Pearson appear as something of a cad for bringing the whole thing up. Instead he denied that the unfortunate affair had happened, and denied that he or his aides had ever told any members of the press any such thing had taken place.

The fact is that Nofziger, during the governor's cruise aboard the S.S. Independence, did tell a handful of newsmen—The Star's political writer Paul Hope among them—that two of Reagan's staff members had been fired for homosexual activity.

The black mark on Reagan's record is not that he hired such men, or that he was slow in firing them. Where he stumbled was in his histrionic denial and in calling Drew Pearson a liar when he must have known that Pearson's article was factually correct. The motivation of this extraordinary performance is not easily discerned.

It was, in any event, a serious error of judgment in Reagan's first real test under pressure. And it must inevitably raise very real doubts about his personal dedication to the truth and his fitness for the high office to which he so obviously aspires.

EXHIBIT 3

THE LIBRARY OF CONGRESS,
LEGISLATIVE REFERENCE SERVICE.

The attached information is forwarded in response to your recent inquiry. We hope it meets your needs in this matter.

Please do not hesitate to call on us for further assistance.

Sincerely,

LESTER S. JAYSON,
Director.

[From the Sacramento (Calif.) Union, Oct. 17, 1964]

FBI CHECKUP: JENKINS' ARREST IN 1959 TOLD IN 1961

WASHINGTON.—The FBI informed the Secret Service in April, 1961, that President Johnson's former aide, Walter W. Jenkins, had been arrested two years earlier, it was learned Friday. The FBI did so on the Secret Service's request for a check on Jenkins. The Secret Service may not have known, however, that the arrest involved a morals charge.

ANY FOLLOWUP?

What followup investigations—if any—were made was not known. Johnson was vice president at the time.

Jenkins resigned Wednesday after public disclosure of his arrests in January, 1959, and last Oct. 7 on morals charges at the Washington YMCA. He is now under treatment for "extreme fatigue" at a Washington hospital.

Neither the FBI nor the Secret Service would comment Friday on reports that Jenkins' arrest record was known.

ASKS INVESTIGATION

Johnson said Thursday night he never had received any information questioning Jenkins' personal conduct before Wednesday. He has asked the FBI for a full investigation.

It was learned Friday that after Jenkins' first arrest in 1959, the Washington metropolitan police asked the FBI to check Jenkins' fingerprints to determine whether he had a previous criminal record.

The FBI reported that the man had no such record.

The police card bore the notation "investigation suspicion." Apparently neither the police nor the FBI realized at the time that Jenkins was Johnson's top aide.

The FBI left the Jenkins fingerprint card in its identification file along with 172 million others.

In April, 1961, at the Secret Service's request for a check on Jenkins, the FBI turned up the "investigation suspicion" notation and informed the Secret Service.

Ironically, Jenkins only last month advised the heads of federal departments and agencies to have the FBI check the backgrounds of prospective appointees.

In a memorandum dated Sept. 10, Jenkins said "it would be unfortunate if undesirable individuals were put on the federal payroll simply because sufficient precautions were not taken prior to their appointment."

[From the Sacramento (Calif.) Union, Oct. 17, 1964]

BRITISH VIEW: JENKINS CASE WILL HURT LBJ

LONDON.—The British press said Friday the morals scandal over White House aide Walter Jenkins is a serious setback to President Johnson in his election campaign.

The Daily Telegraph, the only London morning newspaper with an editorial on the scandal, said, "It is a civilized trait that a people demands to be governed by leaders whose characters command respect. Scandals, real or alleged, have catastrophic impact and may deflect public policy.

"Grasping this new weapon within three weeks of the polls on Nov. 3, Mr. (Barry) Goldwater's Republican forces may be expected to wield it pitilessly. It is to be hoped that, in the inevitably inflamed atmosphere of the campaign, the voters will not lose sight of the greater issues they have to decide."

The Times of London, in a report from Washington, said, "President Johnson's campaign has received a severe setback."

It said, "It matters not that Mr. Jenkins is a Lieutenant-Colonel in the Reserve Air Force Squadron commanded by Sen. Goldwater, or that the disclosures might have been as carefully engineered by the senator's staff as the regimented applause at his political meetings. There are at least grounds for suspicion; apart from last night's first announcement from Republican headquarters. The senator, after fluffing many issues, decided over the weekend to press his charges of immorality and corruption."

The news of the scandal, although extensively reported, was pushed into the inside pages of the London newspapers by the British general election and the end of Nikita Khrushchev's power in Moscow.

The Daily Mail, in its report from Washington, said Johnson's "prospects of a landslide victory were seriously threatened."

The Daily Express said "a great political storm that could lose Lyndon Johnson the November 3 presidential election" had broken over the scandal.

The Daily Mirror said, "it can have a serious effect on the American presidential elections."

The Sun said it had "shaken the presidential election campaign."

[From the Sacramento (Calif.) Union, Oct. 16, 1964]

GOP DEMANDS: L. B. J. EXPLAIN JENKINS CASE

WASHINGTON.—Top Republicans, including vice presidential candidate William E. Miller, insisted Thursday that President Johnson answer publicly questions raised by the morals charge arrests and resignation of his senior White House aide, Walter W. Jenkins.

At the same time, FBI Director J. Edgar Hoover announced that Johnson had asked for an immediate full investigation of the Jenkins case. Hoover said an inquiry was already in progress and a report would be submitted to the President as soon as possible.

Campaigning in the Chicago area, Miller said the two arrests of the long-time Johnson assistant on disorderly charges at the YMCA in Washington, D.C., raised "serious questions."

Johnson himself has said nothing about the scandal surrounding his trusted assistant since 1939. But Mrs. Johnson issued a statement Thursday which said her heart was "aching" for Jenkins.

MEDICAL HELP

"He is now receiving the medical attention which he needs," the First Lady said. "I know our family and all of his friends and I hope all others pray for his recovery."

Republican National Chairman Dean Burch declared that Johnson must explain "why he covered up for five-and-a-half years" the fact that Jenkins had been arrested in 1959 and was permitted to hold a top White House post.

NIXON DEMAND

Former Vice President Richard M. Nixon demanded that Johnson go before a nationwide audience and tell what he knew of "this sick man."

Nixon, appearing in Fort Wayne, Ind., said that the Jenkins disclosure and the Bobby Baker case showed that Johnson's "two closest associates" turned out to be "bad apples."

RESIGN POST

The White House announced that Jenkins had resigned his post Wednesday shortly after it was learned that the 46-year-old special assistant and long-time Johnson aide had been arrested on two occasions by police—once in January, 1959, and again on Oct. 7 of this year.

In both cases, Jenkins was picked up at the Washington YMCA and both times forfeited collateral. The 1959 arrest record showed him charged with "disorderly (pervert)." The arrest record last week carried the notation "disorderly, (indecent gestures)."

Burch told a news conference that the President should make a full public account of the case.

He said: "The Walter Jenkins episode raises grave questions which only the President can—and must—answer. The story up to now is only partially revealed."

[From the Sacramento (Calif.) Union, Oct. 16, 1964]

L. B. J. SAYS JENKINS CASE WAS SURPRISE

WASHINGTON.—President Johnson said Thursday night that he had never received any word questioning the personal conduct of resigned White House aide Walter W. Jenkins until late Wednesday.

The President made his first public comment on the Jenkins' case after flying back to Washington from a two-day campaign tour in New Jersey, Pennsylvania, and New York.

Jenkins resigned as a special assistant to the President Wednesday night after disclosures that he had been arrested twice in Washington on morals charges.

FBI PROBE

The Chief Executive said he had requested Jenkins' resignation and ordered FBI Director J. Edgar Hoover to undertake comprehensive investigation and report promptly to the public on his findings.

Earlier Thursday, Republican National Chairman Dean Burch declared that Johnson must explain "why he covered up for 5½ years" the fact that Jenkins had been arrested in 1959 and allowed him to hold a top White House post.

STATEMENT

Here is Johnson's statement:

"Walter Jenkins has worked with me faithfully for 25 years. No man I know has given more personal dedication, devotion and tireless labor.

"Until late yesterday, no information or report of any kind to me had ever raised a question with respect to his personal conduct. Mr. Jenkins is now in the care of his physician and his many friends will join in praying for his early recovery.

COMPASSION

"For myself and Mrs. Johnson, I want to say that our hearts go out with the deepest compassion for him and for his wife and six children—and they have our love and prayers.

"On this case, as on any such case, the public interest comes before all personal feelings. I have requested and received Mr. Jenkins' resignation.

"Within moments after being notified last night I ordered Director J. Edgar Hoover of the FBI to make an immediate and comprehensive inquiry and report promptly to me and the American people."

SENT TO HOSPITAL

The White House announcement of Jenkins' resignation did not say that the President had requested his senior aide to resign. Jenkins was hospitalized Wednesday for treatment of "extreme fatigue."

The President's statement came after top Republicans, including GOP vice presidential nominee William E. Miller, insisted that Johnson answer publicly questions raised by the resignation of Jenkins.

Republican presidential candidate Barry M. Goldwater refrained from comment on the development. He was understood to be reluctant to let the two arrests of Jenkins become a campaign issue except as they applied to security procedures.

[From the Sacramento (Calif.) Union, Oct. 16, 1964]

BARRY TELLS TEXAS: REGIME OF L. B. J. SCANDAL RIDDEN

HOUSTON.—Sen. Barry M. Goldwater charged in President Johnson's home state of Texas Thursday that the White House is "dark with scandal" and marked by official cover-up. The GOP presidential candidate applied his remarks to the Bobby Baker and Billie Sol Estes cases—not to the campaign-jolting resignation of White House aide Walter W. Jenkins.

Texan Jenkins, now hospitalized, resigned Wednesday after disclosure that he had been arrested twice on morals charges.

Goldwater's determination not to publicly discuss the Jenkins case—unless his security clearance becomes an issue—did not extend throughout his campaign hierarchy.

ESTIMATED 10,000 AND 17,000

The Arizona senator spoke to an estimated 10,000 persons at Harlingen and to 17,000 at Beaumont.

Goldwater tackled foreign policy at Houston Thursday night with a charge that the administration's handling of it is a matter of "drift, deception and defeat."

BLASTS JOHNSON

He said in a speech prepared for delivery at Colt Stadium that "Lyndon Baines Johnson has sowed the wind of weakness. He has reaped the whirlwind of war."

"This administration has declared a moratorium on government until after the election is over—and you know it," Goldwater said.

"I charge that this administration has a soft deal for communism—and you know it.

FOREIGN POLICY

"I charge that this administration has a foreign policy of drift, deception and defeat. And you know that, too.

"Drift, deception and defeat—these are the watchwords of my opponent and his curious crew."

At Beaumont, Goldwater said this has been "the most successful week" of his campaign.

"It's coming when we wanted it to come—in the middle of October," he said. "The polls are showing us on the way up. And there are a growing number of undecideds."

COVER UP

At Harlingen, Goldwater charged before more than 10,000 persons that the President is "using every power of his great office . . . to cover up one of the sorriest rumors we ever had in the nation's capital." He said he was referring to the Baker case—not Jenkins.

"The people have looked at the White House and have found it dark with scandal," he said. "The people have looked at the man who now occupies the White House and have found him shadowed by suspicion which no amount of handshaking and hurrah can chase away."

[From the Sacramento (Calif.) Union, Oct. 16, 1964]

JOHNSON URGES ELECTION OF KENNEDY

NEW YORK.—President Johnson campaigned enthusiastically through upstate New York Thursday, urging the election of Robert F. Kennedy to the Senate. He ordered an investigation into the Walter Jenkins scandal but did not mention the case in his political speeches.

The President and former attorney general, accompanied by top state party leaders, flew to Rochester and Buffalo and were greeted by cheering thousands.

Then they returned to New York for appearances in Brooklyn and at a Liberal party rally Thursday night in Madison Square Garden.

FBI Director J. Edgar Hoover disclosed in Washington that Johnson had ordered a "full and complete investigation" of the Jenkins bombshell.

PIERRE PARES JENKINS CASE

UPLAND.—Sen. Pierre Salinger, D-Calif., campaigning to retain his interim senate seat, said Thursday he did not think the Walter W. Jenkins incident would hurt President Johnson's campaign.

"It's most unfortunate about Mr. Jenkins. I think when a person who works in the high levels of government and is subjected to great pressure becomes ill and has a nervous condition and has a breakdown . . . we should all regret it," said Salinger.

MILLER SEES DANGER SPOT

CHICAGO.—Rep. William E. Miller said Thursday the disclosure of presidential aide Walter W. Jenkins' arrests on morals charges raised "serious questions" that should be answered by President Johnson.

The GOP vice presidential candidate, stumping for the strategically important vote of Chicago and its suburbs, said the President should explain why a man with such a background "should be entrusted with such a high office."

EASY TO ENTRAP

"Such a man could be compromised quickly and dangerously," Miller said.

Miller commented on the Jenkins case during a question period after a luncheon address to the Chicago Executives Club.

In his speeches during a 40-mile sweep across the densely populated metropolitan area, he steered clear of the case of the resigned presidential aide and drummed on the theme that the Republicans will make city streets and parks "safe for our women and children."

[From the Sacramento (Calif.) Union Oct. 15, 1964]

JOHNSON AIDE OUT: EXPOSED AS MORALS CASE—RESIGNS, GOES TO HOSPITAL

NEW YORK (UPI)—Walter Jenkins resigned Wednesday night as special assistant to President Johnson, the White House announced, following disclosure he had been arrested Oct. 7 on a disorderly charge involving "indecent gestures."

President Johnson accepted the resignation and appointed Bill D. Moyers to succeed Jenkins, an associate since 1939.

NEWS CONFERENCE

The announcement was made by White House Press Secretary George E. Reedy in an extraordinary news conference in the Waldorf Astoria Hotel.

United Press International reported from Washington Wednesday night that Jenkins was arrested on a disorderly charge involving "indecent gestures, and elected to forfeit $50 collateral.

Reedy assembled reporters in the White House press room on short notice and read this statement:

"As I told some of you earlier today, Walter Jenkins, who has been suffering from fatigue, went into the hospital this afternoon on orders from his doctor.

"Walter Jenkins submitted his resignation this evening as special assistant.

"The resignation was accepted and the President has appointed Bill D. Moyers to succeed him."

SINCE 1939

Jenkins, who has been working with Johnson since 1939, was admitted to George Washington University Hospital in the nation's capital. His doctor said he was hospitalized for "nervous exhaustion and high blood pressure."

Moyers, an ordained Baptist minister, has been deputy director of the Peace Corps and came to the White House when Johnson succeeded the late President John F. Kennedy after Kennedy's assassination.

A White House source said the President first learned about the Jenkins situation when he received queries from newspapers.

The source said the first information came to the President shortly before he visited Mrs. John F. Kennedy Wednesday night.

When the President returned from his visit he "had some inquiries made" about Jenkins' condition, the source said.

A check of District of Columbia police records revealed the incident Wednesday after rumors had been sweeping Washington political circles that Jenkins had been arrested by officers of the D.C. Morals Division.

The record showed that Jenkins, 46, was picked up at the YMCA by two plainclothesmen of the Morals Division Wednesday, Oct. 7, on a charge of "disorderly (indecent gestures)". It said he "elected to forfeit" $50 collateral.

SECOND ARREST

Police refused to go beyond the official record in the case. The record showed that an Andy Choka, 60, a timekeeper at the soldiers home here, was arrested at the same time by the same officers and also elected to forfeit $50 collateral.

Jenkins is one of the men Republicans want summoned as a witness in the resumption of the Bobby Baker investigation by the Senate Rules Committee.

[From the Los Angeles (Calif.) Times, Oct. 16, 1964]

PRESIDENT COMMENTS ON JENKINS—DECLARES QUESTION ABOUT CONDUCT OF AIDE NEVER RAISED

WASHINGTON.—President Johnson said Thursday night he had never had any information before late Wednesday that "had ever raised a question" about the personal conduct of Walter Jenkins.

The President made this statement as Goldwater forces stepped up their "scandal" accusations against the Johnson administration and said that the Jenkins moral case raises grave issues of national security.

Jenkins, long-time confidant and top aide to Mr. Johnson, resigned suddenly Wednesday. It was disclosed that Jenkins had been arrested on Oct. 7 on a charge of "disorderly conduct (indecent gestures)" and that he had been arrested five years before on a charge of "disorderly conduct (pervert)." In both cases he forfeited collateral.

PUBLIC INTEREST PUT FIRST

The President disclosed he had asked for and received Jenkins' resignation Wednesday. He also said he had asked FBI director J. Edgar Hoover to make an immediate and comprehensive inquiry on the case and report promptly "to me and the American people." The President noted that in any such case, "the public interest comes before all personal feelings."

Jenkins is now in George Washington University Hospital suffering from what his doctor called "extreme fatigue."

The President in his statement Thursday night, issued on his return from a political campaign swing in New York state, said no information or report had ever come to him before Wednesday that would raise a question about Jenkins' personal conduct.

CITES FINE RECORD

Taking cognizance of the 25 years that Jenkins has been in his employ except for military service during World War II and a brief fling in politics on his own, Mr. Johnson said:

"No man I know has given more personal dedication, devotion and tireless labor."

The President said, "For myself and Mrs. Johnson, I want to say that our hearts go out with the deepest compassion for him and for his wife and six children and they have our love and prayers."

The President's statement was, in effect, a reply to an allegation by Dean Burch, chairman of the Republican National Committee, that Mr. Johnson had covered up for Jenkins for five and one-half years—an allegation based on the fact that Jenkins had been arrested on a morals charge in 1959.

Burch said the "Walter Jenkins episode raises grave questions of national security which only the President can—and must—answer. The story up to now is only partially revealed."

Burch said the President must be aware of the "vulnerability of morals offenders to blackmail . . ."

Sen. Barry Goldwater, the Republican nominee, was asked for comment at a campaign stop in Denver and replied:

"I haven't seen an account of it. We just had a report. I don't intend to comment on it at any time."

EXPLANATION ASKED

Here are other reactions:

Rep. William E. Miller, the Republican Vice Presidential nominee in Chicago, called upon Mr. Johnson to explain how "this type of man" could occupy such a high position in the government. Miller said that if Jenkins "had information vital to our survival, it could be compromised very quickly and very dangerously."

Richard M. Nixon in Ft. Wayne, Ind., demanded that President Johnson tell the nation what he knows of morals charges placed against Jenkins. He said Americans would "not stand for immorality in the White House."

Clifton White, chairman of the Citizens Committee for Goldwater-Miller, in Washington—"The effects upon America both nationally and internationally can only be surmised at this time."

"HEART ACHING"

Democratic Vice Presidential nominee Hubert H. Humphrey, on the campaign trail in Pennsylvania, said: "I'm sure the White House will make whatever statement need to be made."

Mrs. Lyndon Johnson, in Washington, issued a statement saying "My heart is aching" for Walter Jenkins, whom she described as "someone who has reached the end point of exhaustion in dedicated service to his country."

Sen. Kenneth B. Keating (R-N.Y.), seeking re-election against Democrat Robert F. Kennedy, said he had no intention of exploiting the case. "It has nothing to do with my opponent."

Sen. Jacob K. Javits (R-N.Y.)—"I think security is an issue and if it turns out that security is at stake, this will become an issue."

W. Averell Harriman, an undersecretary of state and former New York governer, accompanying Mr. Johnson on his New York campaign tour—"I don't think it will hurt. I think it will arouse sympathies for Jenkins."

WAGNER COMMENTS

Mayor Robert F. Wagner of New York City, a Democrat, asked whether the case would hurt the Democratic campaign—"I don't know what the reaction will be. Certainly, people will realize this is just an individual person."

Sen. Karl Mundt (R-S.D.), in Sioux Falls, declined to speculate upon the effect the Jenkins case might have on the election. "This is not unprecedented. It has happened in both political parties as long as I've followed politics," he said.

Meanwhile, it was learned that Mr. Johnson had ordered the FBI to attempt to determine particularly whether the Jenkins case involved any violations of national security procedures or laws.

TO QUIZ ASSOCIATES

The investigative agency also will look into Jenkins' past history and interview associates within the government in an effort to ascertain whether or not anyone in government had reason to believe he had homosexual tendencies, it was said.

Mr. Johnson, it was understood, told the FBI to employ as many agents as necessary in the task.

Once the inquiry is completed, it is expected that the FBI will submit its findings to the White House and that they will be made public by the President.

One high source said it was hoped this report might be available for public release in about a week.

[From the Los Angeles (Calif.) Times, Oct. 16, 1964]

JENKINS CASE POSES QUESTIONS

The arrest of White House aide Walter Jenkins on a morals charge is a personal tragedy for all concerned. It also comes as a deep shock to the nation.

It is unfortunate that such a scandal should break less than three weeks before a national election in which far greater issues are at stake than the personal behavior of one man.

However, Jenkins has been one of President Johnson's closest associates for 25 years, and it is inescapable that the episode will become a factor in the presidential election.

On the strength of the notorious Bobby Baker case, Sen. Barry Goldwater has already made "morality in the White House" a major issue.

Now Richard Nixon demands to know why two "bad apples" have shown up in Mr. Johnson's immediate entourage. And GOP National Chairman Dean Burch has charged that the President "covered up" for Jenkins on a similar previously undisclosed offense in 1959.

Until further details are available, fair and compassionate men will withhold judgment on all such allegations.

The most troublesome aspect of the case—the question of national security—transcends politics, the Bobby Baker case and elements of personal tragedy.

There is no reason to suppose that Jenkins is other than a loyal American. But it is commonly recognized that persons suspected of deviant conduct are vulnerable to blackmail attempts by the Communists. As a result, they are denied security clearances.

Yet Jenkins apparently had access to secret information both before and after Mr. Johnson moved to the White House. He received an FBI security clearance in 1958, before his first alleged offense. But the FBI conducts such investigations only upon request of executive agencies—and it reportedly received no request from the White House on Jenkins.

President Johnson now has ordered a full FBI investigation of circumstances leading to the Jenkins resignation. The report should be made promptly, and publicly.

In the process, the FBI should answer some questions about its own role, too:

Why, as a result of routine federal-local police co-operation, didn't Jenkins' arrest in 1959 show up in his security file? Or, if it did, why was his security clearance not reconsidered?

The American people deserve assurances that future Presidents—including whoever is elected Nov. 3—obtain security clearances on all their associates, no matter how close.

[From the Los Angeles (Calif.) Times, Oct. 16, 1967]

RUMORS LED TO POLICE BLOTTER IN JENKINS CASE

WASHINGTON.—The grapevine of rumor and finally the words on a police blotter—all within hours Wednesday—unlocked the story of Walter Jenkins' arrest on morals charges and his resignation as a top White House aide.

Several newsmen received anonymous tips about Jenkins' arrests a short time before Republican National Chairman Dean Burch issued a statement charging:

"The White House is desperately trying to suppress a major news story affecting the national security."

ACCESS TO BOOK

Reporters went to District of Columbia police headquarters, where officers gave them the usual free access to the arrest book of terse reports.

Case No. 2208 gave this report:

"8:35 p.m., Oct. 7. Name: Jenkins, Walter Wilson, 3704 Huntington St., N.W., date of of birth 3-23-18. White. Born Jolly, Tex. Occupation: Clerk. Married. Collateral $50 (CCB). Parents: Anna, John. Charge and place arrested: at the YMCA disorderly (indecent gestures). Complainant R. L. Graham. Officer L. P. Drouillard. Disposition: Elects to forfeit."

MISSED BY REPORTERS

The record, however, did not immediately attract the attention of police reporters, who did not connect the name with that of the White House aide. Police normally record the occupation of a person arrested—Jenkins was listed as "clerk"—but do not regularly list his employer.

The tipsters had told of a 1959 charge against Jenkins and reporters checked back

on that. Case No. 174 of Jan. 15, 1959 gave this report:

"Time: 10:20 p.m. Name: Jenkins, Walter Wilson, 3704 Huntington St., N.W., Born 3-23-18, Jolly, Tex. Occupation: Clerk, married. Read and write, yes. Male. Collateral: $25, Mother Anna Morgan, father John B., charge disorderly conduct (pervert)."

CHECK ON NAME

Was this the same Walter Jenkins who had been President Johnson's close aide for over 20 years? Reporters had to be sure. The name, the address, the birthplace, the age, the parents' names all matched. Had somebody used his name?

As painstaking checking went on, White House aides announced in New York that Jenkins had been hospitalized for extreme fatigue. Newsmen there tried to check out if the arrested man was Jenkins of the White House staff. Asked about Burch's statement, White House press secretary George E. Reedy said:

"I don't know what he's talking about."

JENKINS RESIGNS

Nearly three hours later, Reedy announced that Jenkins had resigned. Reedy said Mr. Johnson had first learned about it as a result of the reporters' queries.

Meanwhile, Jenkins' doctor, Charles Thompson, verified that Jenkins was ill, with "sky high" blood pressure, insomnia, tensions, agitations and extreme exhaustion. The doctor would not comment on the morals charges.

SECURITY ASPECT OF JENKINS CASE CITED BY MILLER

CHICAGO.—Rep. William E. Miller said Thursday that the Walter Jenkins incident poses "very, very serious" national security questions that President Johnson should answer for the American people.

The Republican Vice Presidential nominee said Mr. Johnson should explain how a man such as Jenkins could occupy so high a position in the government.

Commenting on Jenkins' arrest on a morals charge and subsequent resignation as a top-ranking White House aide, Miller said:

"If this type of man had information vital to our survival, it could be compromised very quickly and very dangerously."

Among other things, he said, Mr. Johnson should say whether Jenkins ever sat in on meetings of the National Security Council or of the Cabinet.

ANSWER QUESTIONS

Miller discussed the Jenkins case during a question-and-answer period following his speech at a luncheon of the Executive Club of Chicago.

It was one of six speaking appearances during a full day of campaigning here.

Miller had told newsmen previously he would have no comment on the Jenkins affair. But a request for his reaction was among questions read by the toastmaster at the luncheon.

Miller responded by discussing the Jenkins incident in some detail and also bringing up Jenkins' role in the Bobby Baker case. He said Jenkins had been "protected by the White House" in the Baker case.

JENKINS CASE HURTS JOHNSON DRIVE; SOVIET SHAKEUP MAY OFFSET HARM

(By Laurence Burd)

WASHINGTON.—The Walter Jenkins case struck President Johnson's election campaign amidships, with heavy damage, just when it seemed to be cruising smoothly toward victory in November.

Disclosure that Jenkins, long-time top aide and confidant to Mr. Johnson, was twice arrested on morals charges, plays right into the hand of GOP Presidential nominee Barry Goldwater's campaign against "moral decay" in the Johnson administration from the White House down.

Political strategists of every stripe agree that the Jenkins episode, standing alone, would cost the Johnson ticket a good many votes in November.

But, by one of those twists of fate, the damaging impact on Mr. Johnson of the Jenkins case could be offset, at least in part, by a completely unrelated development 5,000 miles away—in Moscow.

The surprise replacement of Russian Premier Nikita S. Khrushchev a day after the Jenkins case erupted Wednesday, poses new global uncertainties.

Although it is too early to tell whether the Moscow shakeup could presage an East-West crisis, its occurrence less than three weeks before the U.S. election is almost sure to have an impact on the voting here.

If the past is any guide, the backlash from Moscow is likely to help Mr. Johnson politically more than Goldwater. The majority of American voters traditionally tend to rally in times of global crisis or uncertainty to the incumbent administration as a safer haven than a new team of leaders.

Republicans will seek to make political capital out of both the Jenkins episode and the Moscow shakeup, but they have a much more salable issue in the Jenkins case.

Former Vice President Richard M. Nixon signaled the Republican line on the Kremlin re-shuffle Thursday when he said that this is "all the more reason Sen. Barry Goldwater should be in the White House."

Nixon said the United States needs Goldwater's "hard line" in dealing with the new Moscow regime, rather than the softer line of accommodation with Russia that President Johnson has taken.

Mr. Johnson can defend publicly, as he has, his foreign policy stewardship, including U.S. dealings with Moscow, but the Jenkins case has left the President politically embarrassed.

Mr. Johnson is deeply vulnerable concerning Jenkins, regardless of any explanation he or his associates may make in the President's defense.

SECURITY RISK ISSUE

The most damaging aspect to the President of the Jenkins case, stems not from Jenkins' arrest last week on "disorderly (indecent gestures)" charges, but his arrest Jan. 15, 1959, on similar charges. Both arrests were made at the Washington YMCA only two blocks from the White House, and in both cases Jenkins forfeited collateral.

The earlier arrest raises, as the Republicans have, the troubling question of how the President could retain as a top aide, with access to top-secret material, a man whose moral background, based on the 1959 incident, could expose him (Jenkins) to blackmail and make him a security risk.

Anonymous White House source have indicated that Mr. Johnson was unaware, until Wednesday, of either the 1959 or the recent arrest of Jenkins. But this leaves the President open to the accusation that he neglected elementary precautions that would have uncovered a potential security risk within his official family.

It is the "security risk" issue that the Republicans are pressing publicly in the Jenkins case, while letting the voters make their own judgment on its moral aspects.

However, Goldwater and his campaigning associates are continuing to press their argument against "scandals" and breakdown of morals against the Johnson administration, without specific mention of Jenkins. Thus, Goldwater said Thursday the President has used "every power . . . to cover up one of the sorriest rumors we have ever had in the nation's capital"—and then explained he referred to the Bobby Baker case, not to Jenkins.

Jenkins himself was a key figure in the Bobby Baker investigation conducted by the Senate Rules Committee earlier this year, but the committee's Democratic majority refused to accede to Republican members' demands Jenkins be called as a witness.

Don B. Reynolds, an insurance agent, told the committee he bought $1,200 of advertising time on a Johnson family television station in Texas after Reynolds sold $100,000 worth of life insurance to Mr. Johnson.

JENKINS IN DEAL

Reynolds swore that arrangements for the purchase of advertising time were made by Jenkins, who denied it in an affidavit to the committee.

In continuing to hammer at the administration for a "cover-up" of the Bobby Baker case, the Republicans can, if they choose, remind the voters that Jenkins was a figure in that controversy.

Some Republicans believe the whole Jenkins episode may give the Goldwater ticket a big enough shot in the arm to carry it to victory in November.

The Democrats and some neutral political analysts doubt the Jenkins' case impact will be that great, particularly in view of the Khrushchev shakeup.

However, even Democratic sources, concede that the party is likely to lose some votes because of Jenkins. They are concerned that the episode could, in possibly cutting down Mr. Johnson's vote, bring defeat of some Democratic Senate and House candidates where the races were close even before the Jenkins' misfortune struck.

FBI DIDN'T NOTE CHARGE IN 1959

(By David Kraslow)

WASHINGTON.—Both the FBI and the Secret Service knew in 1961 that Walter W. Jenkins, the resigned White House aide, had been arrested by District of Columbia police in 1959.

But what they did not know, apparently because of a failure to check police records, was that a morals charge was involved.

This was learned Thursday following another arrest on a morals charge last week of Jenkins, 46-year-old father of six.

As a confidant of Mr. Johnson for more than two decades, Jenkins was close to vital government secrets.

TIGHTER CLEARANCE SEEN

Whatever the effect on the Presidential campaign, the Jenkins case seemed certain to result in tighter security clearance procedures for persons employed at the White House.

High administration sources were dismayed, after learning that the FBI and Secret Service knew of the 1959 arrest, that no further investigation was made to determine the circumstances.

Some sources suggested that persons employed in high positions and who work under intense pressures should be subjected to a security investigation every year or so.

There is no such system now for White House personnel. In fact, the FBI which normally acts in such matters only at the request of the executive branch, has not run a security check on Jenkins since early 1958.

Jenkins at that time was the chief aide to Mr. Johnson, then the Senate majority leader.

The FBI security check was made at the request of the Atomic Energy Commission, which then gave Jenkins a "Q clearance," the highest there is.

"I guess everyone figured that once he had received a Q clearance there was no reason to check him out again," a source said.

The FBI and Secret Service declined comment, but it apparently learned of the 1959 arrest this way.

Jenkins was picked up by officers of the District of Columbia's police department's morals division at the downtown YMCA, just a few blocks from the White House.

APPARENTLY NOT NOTIFIED

After receiving the fingerprint card with the "investigation-suspicion" notation, nothing further was heard of the case.

The FBI apparently was not notified of the

formal charge finally recorded by the District of Columbia police against Jenkins, that of "disorderly conduct (pervert)." Jenkins forfeited $25 collateral which closed the case as far as the police were concerned.

The fingerprint card on Jenkins went into the files of the FBI's identification division, where some 170,000,000 other fingerprint cards are kept. These records are entirely separate from the FBI's general files.

The D.C. Police Department, as do many others, voluntarily sends to the FBI fingerprint cards on all arrested persons.

In 1961, the Kennedy-Johnson administration took office. As it does routinely with every new administration, the Secret Service fingerprinted all persons on the staffs of Mr. Kennedy and Mr. Johnson prior to issuing White House credentials.

SECRET SERVICE SILENT

The Secret Service sent Jenkins' fingerprint card to the FBI on a routine check.

The FBI sent the Secret Service the information it had on Jenkins' 1959 arrest, which showed only the charge of "investigation-suspicion."

The Secret Service declined to discuss the matter because of the investigation announced Thursday by Hoover, but apparently it did not ask the D.C. police in 1961 what became of the "investigation-suspicion" case against Jenkins.

Last week Jenkins was again picked up at the YMCA by morals division officers. He was charged with "disorderly conduct (indecent gestures)" and forfeited $50 collateral.

The FBI, it was said, would question Jenkins' associates to determine if any suspected him of tendencies such as those that led to his arrests.

PRESIDENT'S "CURIOUS CREW" DENOUNCED BY GOLDWATER—SENATOR MAKES NO DIRECT MENTION OF JENKINS CASE

(By Robert E. Thompson)

HOUSTON.—Sen. Barry Goldwater, without making direct reference to Walter Jenkins, heard the name of the deposed White House aide shouted from a fervid crowd Thursday as he denounced President Johnson's "curious crew."

The Republican Presidential nominee, who reportedly has decided to avoid making Jenkins' morals arrest a campaign issue unless he determines that it involves national security, flew across the President's home state lambasting the administration as one of drift, deception and defeat.

SOFT ON COMMUNISM

Standing before 31,000 cheering, placard-waving fans in the Houston Colts' stadium. Goldwater also attacked Mr. Johnson for his association with Bobby Baker for an alleged drift toward socialism and as being soft on communism.

Over and over again, the Arizonan ridiculed what he called the "curious crew" around Mr. Johnson.

He listed among its members Baker, Billie Sol Estes and Matthew McCloskey. Amid tumultous cheers, someone in the crowd asked "What about Walter?"

A number of persons in the crowd shouted derogatory remarks about Jenkins.

KREMLIN SHAKEUP

Goldwater also said that "communism, no matter who speaks for it, will never bury us."

It was the candidate's first statement bearing on the Kremlin shakeup in which Soviet Premier Nikita S. Khrushchev was displaced in a mid-campaign development which jolted both political parties.

Goldwater revised the prepared text of his speech which had read that "Khrushchev will never bury us."

Instead, he took note of the change in Soviet leadership by substituting the words "Communists, no matter who speaks for it, will never bury us."

Goldwater received enthusiastic receptions in Harlingen and Beaumont early in the day. But upon his arrival in Houston, he drew sparse, disappointing crowds as he motorcaded more than 12 miles through the city, Texas' largest.

Although Goldwater has ruled initially that he will not discuss the arrest of Jenkins on a morals charge, he released a statement defining the former Presidential assistant's status in the 9999th Air Force Reserve Squadron, which Goldwater commands.

JENKINS FULL COLONEL

The report, signed by Maj. Gen. Barry Goldwater, USAFR, pointed out that Jenkins is a full colonel and has been a member of the reserve unit since about Jan. 15, 1961.

In reply to a question about Jenkins' efficiency rating, the senator explained that Mr. Johnson's long-time aide is assigned to headquarters command and, therefore, "I was not required to give him an efficiency rating."

The brief Goldwater statement pointed out that Jenkins already had been cleared to receive classified material before he joined the squadron.

During his first three years in the squadron, Goldwater said Jenkins attended 75% of the meetings. But this year, the Presidential nominee added, Jenkins, who resigned Wednesday, has participated in only three sessions.

CLOSE TO WHITE HOUSE

While the Air Force secretary decreed in June that all members not identified with Congress would be forced to transfer from the unit. Goldwater said Jenkins was retained "because of his closeness to the White House."

Under the June decree, Pennsylvania Gov. William W. Scranton, who unsuccessfully sought the GOP Presidential nomination against Goldwater, had to leave the squadron.

Sources close to Goldwater said the senator had determined that he will make no mention of Jenkins' arrest on a morals charge Oct. 7 unless he believes the government was derelict in granting Jenkins clearance for participation in national security affairs.

But Sen. John Tower (R-Tex.), who traveled with Goldwater across the state, indicated to newsmen that the Republicans have a major issue in security questions arising from the Jenkins case.

The Jenkins case reportedly was high on the agenda of a night meeting in Houston between Goldwater and his top compaign advisers. GOP national chairman Dean Burch, campaign director Dennison Kitchel, research director Edward McCabe, and John Greiner, deputy director of the Republican National Committee.

PRESTIGE DECLINE CLAIMED

Goldwater emphasized at all three cities his view that Mr. Johnson is leading the nation toward socialism and is grasping for power.

Stating that no man can "withstand the temptation" of power now vested in the Presidency, Goldwater told an outdoor audience of about 12,000 at Beaumont that his first act in the White House would be "to see that powers are returned to the executive branch."

In Beaumont, where labor is strong, Goldwater also criticized compulsory arbitration between labor and management. He said that as President, he would invoke the law only in strikes where outsiders are hurt.

[From the Los Angeles Times, Oct. 17, 1964]

ATTEMPT TO SOFT PEDAL JENKINS STORY REVEALED—TOP DEMOCRATIC LAWYERS VISITED OFFICES OF CAPITAL PAPERS TO MAKE REQUESTS

WASHINGTON—Two prominent Democratic lawyers, both possible candidates for attorney general in a Johnson administration, tried to soft pedal the Walter Jenkins story in Washington newspapers, it was disclosed Friday.

Jenkins, 46, a trusted aide and close friend of Mr. Johnson for 25 years, resigned his White House post Wednesday night after the disclosure that he had been arrested on morals charges in 1959 and again last week.

The two lawyers who visited three Washington newspapers to suggest that the story be withheld or treated "kindly" were Abe Fortas and Clark Clifford, both friends of and advisers to Mr. Johnson.

PUBLISHER'S STORY

Last December Fortas withdrew as defense counsel for Bobby Baker. He said he did it to avoid possible "embarrassment" arising from "certain assignments" he had undertaken for the new Johnson administration. Fortas has been mentioned as the possible choice to succeed Robert F. Kennedy as attorney general.

Clifford was a White House aide to President Harry S. Truman. In 1963 he was named by President John F. Kennedy to head his foreign intelligence advisory board. He also has been mentioned as a possible attorney general.

Newbold Noyes, editor of the Washington Star, said Friday that Fortas and Clifford came to the Star's office Wednesday after the Star began making inquiries at the White House about Jenkins after learning of his arrest.

REQUEST MADE

"About a half hour after that Fortas and Clifford walked into the office," said Noyes. "In all fairness, it was in response to our call that they came."

Noyes said the two lawyers confirmed Jenkins' identity, said he was sick and was entering a hospital. Noyes also said they told him the final decision would be up to the President, but that they were "certain he (Jenkins) was out." Jenkins now is in a hospital.

"They asked us in what seemed to be a very proper and low-key way to consider whether this was a story that we would want to print." Noyes said.

The Star did not publish the story that day.

John T. O'Rourke, editor of the Washington Daily News, said the News had the story in memorandum form when the two Johnson advisers arrived. He quoted them as asking him to "treat it as kindly as you can, and not at all if possible."

Alfred W. Friendly, managing editor of the Washington Post and an acquaintance of both men, said he learned of the arrests from them. He said they told him the "whole story" and did not ask that it not be published. Jenkins earlier had told Fortas the story.

THE PEOPLE SPEAK: JENKINS CASE TO CUT SHIFT OF GOP VOTERS

(By Samuel Lubell)

The arrest of President Johnson's key aide, Walter Jenkins, is likely to reduce somewhat the number of Republican voters who have talked of shifting to Mr. Johnson on Nov. 3.

The arrest will also strengthen the disgust with both candidates that already exists and is particularly strong in the South.

But the "Jenkins scandal" is not likely to defeat Mr. Johnson for election.

These judgments are offered on the basis of my interviews with typical voters all across the country during the past three months.

Those interviews revealed, as I reported previously that the attacks on Mr. Johnson's personal integrity were the one aspect of the Goldwater-Miller campaigning that was having an appreciable impact on the voters.

SWITCH LIMITED

The arrest of Jenkins, who is so intimately linked with the Bobby Baker case, is bound to intensify prevailing suspicions of President Johnson's personal honesty—suspicions which have been mentioned by a steadily increasing number of voters during the past months.

Up to now these suspicions have caused only a limited number of Democratic voters

to switch to Sen. Barry Goldwater. I would expect that to continue to be the case, although this is a point I will be checking carefully in future interviewing.

Often Johnson supporters have confessed that they felt "uneasy" or "uncomfortable" about the handling of the Bobby Baker case, but they have suppressed these misgivings because of much stronger fears of what Goldwater would do.

FEELINGS EXPRESSED

A Memphis widow summed up a widely held feeling when she said, "Johnson is out for all he can get, but Goldwater scares me to death."

Distrust of the President has also been a major factor in the indecision of appreciable numbers of Republicans who have talked hesitantly about switching to Mr. Johnson. Many of them have said. 'I'd go for Johnson if I didn't think he was personally involved with Bobby Baker."

These wavering or undecided Republicans are most likely to be affected by the Jenkins development. The "scandal" may also have an important impact on the voters who have been torn between a dislike of both candidates. These voters are quite numerous in the South, where a strong conflict is raging between resentments over civil rights and economic fears stirred by Goldwater's policies.

JENKINS CASE SEEN AS HELP FOR GOLDWATER

SIOUX CITY, IOWA.—Denison Kitchel, executive director of the Republican Presidential campaign, predicted Friday that the Walter Jenkins affair would have a significant effect on the election.

"I don't see how it can do anything but help Barry," said Kitchel as he rode up the Missouri River with Sen. Barry Goldwater.

Kitchel then told newsmen he did not think "we ought to say anything at all about it (the Jenkins case)."

Kitchel said the high-level GOP strategy conference held Thursday night in Houston did not touch on the resignation of Jenkins as a top aide to President Johnson. Jenkins quit Wednesday after revelations that he had been arrested twice on morals charges.

Kitchel said that most of the conference was devoted to a discussion of Goldwater's schedule in the final two weeks of the campaign. He said it was decided to step up the Senator's television broadcasting in the final weeks of the campaign.

He said that the campaign so far was going on schedule and that they had decided to leave Goldwater's agenda flexible, "so that we can wait until we see where we need a little extra effort."

Kitchel said Goldwater already had scheduled two half-hour nation-wide television appearances next week, two more the following week and one on election eve.

[From the Los Angeles Times, Oct 15, 1964]

JOHNSON AIDE RESIGNS FOLLOWING MORALS ARREST—JENKINS, PRESIDENT'S LONGTIME ASSISTANT, ACCUSED OF INDECENCY

(By David Kraslow)

WASHINGTON.—Walter W. Jenkins, one of President Johnson's principal assistants, was arrested last week on a disorderly conduct charge involving "indecent gestures," it was revealed Wednesday.

In New York, the traveling White House announced within hours that Jenkins had resigned. President Johnson accepted the resignation and appointed another White House assistant, Bill D. Moyers, to take Jenkins' place.

The arrest of Jenkins, who figured prominently in the Bobby Baker investigation, came to light in District of Columbia police records after rumors of the arrest swept Washington during the day.

POLICE RECORDS CITED

The police records show that Jenkins, 46-year-old father of six children, was arrested on Oct. 7 at the downtown YMCA in Washington by officers of the morals division.

The police records also showed that Jenkins was arrested on a similar charge at the YMCA on Jan. 15, 1959. In both cases, Jenkins "elected to forfeit" collateral ($25 in 1959, $50 last week) rather than contest the charges.

The charge last week was "disorderly conduct (indecent gestures)." In 1959, it was "disorderly conduct (pervert)."

The charges against Jenkins were misdemeanors. With the forfeiture of bond, the cases are closed as far as the police are concerned.

An FBI spokesman declined comment when asked if the bureau had known of Jenkins' arrest in 1959.

Security checks on persons appointed to high office by the President usually are made by the FBI. Jenkins started working for Mr. Johnson 20 years ago and had the title of "special assistant" to the President before he resigned.

Jenkins was not available for comment. A secretary in his office said Jenkins' doctors ordered him to a hospital Wednesday for a "checkup" because he was "physically exhausted."

Later, Dr. Charles Thompson, Jenkins' physician, said Jenkins was admitted to George Washington University Hospital suffering from "nervous exhaustion and high blood pressure."

Earlier in the evening, before Jenkins' resignation was announced, newsmen asked White House Press Secretary George Reedy if he knew anything about Jenkins' arrest last week.

"Walter Jenkins has been suffering from extreme fatigue." Reedy replied. "He has been sent to (the) hospital by his physician . . ."

Asked again if he knew anything of the arrest, Reedy said. "I know nothing of any arrest."

The White House statement later on the resignation made no referrence to Jenkins' arrests.

CONTROVERSIAL FIGURE

Shy and mild-mannered, Jenkins was a controversial figure in the Senate Rules Committee's investigation of Baker, the former secretary to Senate Democrats and a chief aide to the President during Mr. Johnson's days as Senate majority leader.

Insurance agent Don B. Reynolds testified before the Rules Committee last spring that at Jenkins' suggestion he purchased $1,208 in advertising time on the Johnson family's television station in Texas. Reynolds said this was done in 1957 after he wrote $100,000 in insurance on the life of Mr. Johnson, then a senator.

Jenkins said in an affidavit to the committee that he had no knowledge of any arrangement by which Reynolds purchased the advertising time.

Democratic members of the committee repeatedly overruled Republican requests that Jenkins be called as a witness.

CHIEF OF STAFF

Jenkins often was referred to by his associates as Mr. Johnson's chief of staff, beginning with Mr. Johnson's service in the House and Senate and continuing on through his days as Vice President and President.

He has been a close family friend as well as a man to whom the President entrusted a variety of confidential chores, political and otherwise. A native Texan, Jenkins once was both an officer and stockholder in the Johnson family broadcasting corporation.

Jenkins' arrest came to light after rumors began circulating in Washington. Police made no attempt to suppress their records when reporters began checking.

Shortly after 6 p.m. Wednesday, Republican National Chairman Dean Burch issued this statement:

"There is a report sweeping Washington that the White House is desperately trying to suppress a major news story affecting national security."

Republican officials apparently knew of Jenkins' arrests, but Burch and GOP press spokesman Lee Edwards declined to elaborate on Burch's statement.

Asked about Burch's statement, Reedy said, "I don't know what he's talking about."

Jenkins periodically has attended meetings of the National Security Council, which deals with the country's most vital secrets.

In 1959 and again last week, Jenkins gave his occupation as "clerk" when booked at police headquarters.

The story did not come to light before now, although it was a public record, because Washington police reporters did not connect Jenkins on the police blotter with the one working in the White House. In listing his occupation as a clerk, Jenkins would have raised no suspicions.

Jenkins was arrested at 8:35 p.m. on Oct. 7. The police records also showed that Andy Choka, 60, a timekeeper at the Soldiers Home in Washington, was arrested at the same time, at the same place, in a men's room of the YMCA, by the same officers and also elected to forfeit $50 collateral. Choka could not be reached late Wednesday.

Jenkins' doctors said he had "just worn himself out" and was expected to remain in the hospital for at least four or five days.

A hospital official said Jenkins' doctors decided it was best to have Jenkins rest up from the "trying time" of the Presidential campaign.

The official said Jenkins' condition is "satisfactory at the moment."

Jenkins' long service with Mr. Johnson was interrupted twice—for service during World War II and when he made an unsuccessful race for Congress in Texas in 1951.

His war service took him to Africa, Corsica and Italy. He was discharged as a major.

While in the Army, he was married to the former Marjorie Whitehill in 1945. They have two daughters and four sons.

Jenkins attended the University of Texas.

PRESS SECRETARY TELLS APPROVAL OF RESIGNATION

(By Don Irwin)

NEW YORK.—President Johnson Wednesday night accepted the resignation of White House assistant Walter W. Jenkins three hours after learning of Jenkins' arrest in a Washington morals case.

The resignation of Jenkins, a close Johnson associate for 20 years, was announced at 10:15 p.m. at a briefing hastily called by George Reedy, White House press secretary.

As Reedy met reporters, Mr. Johnson waited in white tie and tails to address an audience at the Alfred E. Smith dinner in the Waldorf-Astoria Hotel. Reedy announced the resignation in the following terse statement:

"As I told some of you earlier today, Walter Jenkins, who has been suffering from fatigue, went into the hospital this afternoon on the orders, of his doctor.

"Walter Jenkins submitted his resignation this afternoon as special assistant. The resignation was accepted and the President has appointed Bill B. Moyers (another special assistant) to succeed him."

In response to a query. Reedy said the resignation had been accepted shortly before he issued his announcement. Before Mr. Johnson went to the dinner, Reedy was closeted with the President for more than an hour in Mr. Johnson's 35th floor suite. The President failed to appear for a reception preceding the dinner but was on hand looking grave when the speaking period began.

NO FURTHER COMMENT

Reedy had no further comment on the embarrassing affair, but a White House source said that the President had first learned of Jenkins' arrest shortly before he

left the Waldorf-Astoria at 6:35 p.m. for an unpublicized call on Mrs. Jacqueline Kennedy.

Presidential assistants insisted the first knowledge the White House had received of the matter came from queries put to Reedy by newspapermen. There was no report from District of Columbia police at the time of the arrest, they said.

On his return from the visit to Mrs. Kennedy, the President was said to have directed that inquiries be made about the Jenkins affair. Shortly thereafter, Jenkins' written resignation, effective immediately, was submitted at the White House and the President was advised of its receipt, sources said.

White House associates declined to characterize in any way the President's reaction to the news that led to the resignation of his old associate. They declined to name anyone with whom he had discussed the case.

No White House source accompanying the President on his New York speaking tour was ready to say whether Jenkins had any security clearance. It has been standard practice since the Truman administration to conduct security checks on all policy-level officials on the White House staff.

There was no hint here whether Jenkins' departure from the White House staff would make him more readily available for questioning by the Senate Rules Committee.

The committee has had before it for some months testimony that Jenkins handled the gift of a stereo phonograph to Mr. Johnson from a Washington insurance man. The set was given before Mr. Johnson became Vice President in 1961.

NERVOUS COLLAPSE

White House staff members stood by the report that Jenkins is suffering a nervous collapse, but they said they believed he had been at work at the White House as recently as Tuesday.

Jenkins' White House associates had nothing but praise for his performance of his duties. One of them said his service had been considerably more than "satisfactory" and called Jenkins "one of the finest men I know."

EXHIBIT 4

NEWS COVERAGE OF TWO 1960 PRESIDENTIAL CAMPAIGN STORIES IN 43 NEW ENGLAND DAILY NEWSPAPERS

A. THE STUDY

This report results from a resolution adopted in 1959 by the New England Society of Newspaper Editors authorizing an experimental study of objectivity in the news columns of daily newspapers in the region during the campaign period preceding the Presidential campaign of 1960.

The resolution stipulated that the study "should be conducted exclusively by trained newspapermen" and that their "approach should be frankly professional and even subjective, rather than purely mechanical or 'scientific.'"

Three trained newsmen were prevailed upon to undertake the task. They are Norman E. Isaacs, managing editor of The Louisville Times; Carl E. Lindstrom, former editor of The Hartford Times and a past president of the New England Society; and Arthur Edward Rowse, an assistant city editor of The Washington Post.

Mr. Isaacs, a former president of the Associated Press Managing Editors, was familiar with the problems facing any group about to study newspapers during a campaign period since he had been chosen by Sigma Delta Chi to be chairman of its national Ethics Committee established in 1955 to examine the feasibility of a nation-wide newspaper study.

Mr. Lindstrom has long been familiar with New England journalism and was the first editor of *The American Editor*, established by the Society. He joined the Committee after completing a year as professor in journalism at the University of Michigan.

Before joining The Washington Post, Mr. Rowse had served in New England journalism and he is the author of *Slanted News*, a case study of the Nixon and Stevenson fund stories during the 1952 Presidential campaign.

The three men held a preliminary meeting in Providence to review the prospects and to determine upon a course of action. Since funds were not available to study the entire scope of election coverage during the 1960 campaign, they agreed that it would be wise to wait out the campaign to see what specific situations might arise and decide later upon what to focus.

In the meantime, they decided to obtain a representative sampling of the largest newspapers in each of the New England states. They selected forty-three newspapers to be studied. A list of these papers, indicating their respective circulations and news services in 1960, is appended to this report.

Issues for each of the forty-three newspapers between October 1 and November 9, 1960, were obtained by subscription. In each case, the subscription order was for the particular edition having the largest circulation. Only a very few editions were not received and tabulations indicate that these do not appear to affect the over-all findings. It is possible that newspapers with multiple editions and which are recorded in the study as not publishing certain stories may have carried some material in editions which were not received. The central fact remains that the Committee attempted to concentrate on the prime editions of the newspapers being studied.

The Committee continued to consult, much of it by long-distance telephone. The search had been for a story or stories that might reflect newspaper attitudes in the handling thereof. There was no single story that could be found, but there were two stories, on opposite sides of the political fence.

One story was embarrassing to the Democratic nominee; the other could reflect upon the Republican nominee.

The one which affected the Democratic Party was the direct move of the Roman Catholic bishops in Puerto Rico to influence the election there. With John F. Kennedy's religion already a campaign issue, this could not but be a story which reflected upon the Democratic nominee's affiliation.

The story affecting the Republican nominee concerned the loan of $205,000 to Vice President Richard Nixon's brother, Donald, by Howard Hughes and his Hughes Tool Company. The Committee considered this a story of potential significance because only eight years earlier Mr. Nixon had been the center of the famous $18,000 expense fund in the 1952 campaign.

Before this decision to study the two stories was reached, several universities engaged in journalism research were sounded out about performing the eventual processing work that would be required by the Committee. A final arrangement had been reached with Boston University, an institution with which the Society is associated.

Once the stories to be studied were selected, the newspapers were shipped to Boston University. There, they were processed by graduate students in the School of Communications. This phase of the work was under the supervision of Dr. David Manning White, who has long been active in journalism research and who did the original "gatekeeper" study of telegraphic news handling some years ago.

The processing teams searched through each newspaper for the stories on the Nixon loan and the Puerto Rican issue. Each story located was marked on a tabulating form for page, head size, placement in the page and length. The tear pages were then attached.

This work at the University was financed by voluntary contributions from member newspapers of the Society. This was the only expenditure in connection with the study, since Messrs. Isaacs, Lindstrom and Rowse contributed their services without fee, and also paid their own travel and incidental costs.

When the processing was completed in Boston, the tabulated forms and tear pages were transmitted to each of the three Committee members in turn. Each also was provided the wire files on both stories by The Associated Press and by United Press International.

The newsmen then studied the entire accumulation independently, reporting to the others at the conclusion of their research.

Although the Committee members were in general agreement, a first draft effort resulted in vigorous debate over phrasings and over interpretations. A second draft smoothed out some of these differences, and a final meeting was then held in Washington to review the basic findings and to make a careful recheck of certain of the aspects surrounding the two stories.

This report represents a third and final draft concensus of the Committee members' professional conclusions, reached after thoughtful consideration and debate, and based upon the data obtained from the newspaper editions available, the wire service files and the processing supplied by Boston University.

B. THE NIXON STORY

As has been noted in Section A, the Committee considered the loan to Nixon's brother of potential significance partly because of the Vice President's own difficulties eight years earlier. It will be recalled that more than a few American newspapers reacted extremely slowly to the episode in 1952 involving the Vice President. Some papers were openly accused of bias. There was a tentative supposition on the Committee's part that most newspapers would desire to be swift and comprehensive in the reporting of any new fund story or stories.

Although the two funds (1952 and 1960) each involved possible conflicts of interest, they were different in some important aspects. Whereas the 1952 fund had been set up by 76 constituents for Nixon's use, the 1960 case involved a $205,000 business loan to Nixon's brother, Donald, by Howard Hughes and his Hughes Tool Co.

The first 1960 story to appear in print came not as the result of any independent research, but came direct from the Nixon organization. It was given exclusively to Peter Edson, Washington columnist for the Newspaper Enterprise Association (NEA).

Edson's columns are regularly included in the NEA Service packages, received by member newspapers in advance, normally in printed form. Eleven of the forty-three newspapers studied are listed as subscribers to NEA and therefore presumably received the Edson column. Only three of these newspapers, however, were listed as using the story.

Edson's column led with a statement that Democratic opponents of the Vice President were investigating his brother Donald's business deals in an effort "to publicize these transactions just before the election in some way that will reflect discredit" upon the Vice President.

"In an attempt to offset any such move," continued the Edson column, "the Nixon headquarters in Washington has made available to this reporter a full explanation of all relevant facts in the record, to get the story out in the open and end the gossip."

Robert H. Finch, Nixon's personal campaign manager, was quoted as stating that the Vice President never had any part or investment in his brother's business enterprises and that most of the deals were not known to the Vice President until after their completion.

Edson then described the $205,000 business loan to Donald Nixon, secured in part by a mortgage on a small plot of land owned by the Nixon brothers' mother, Hannah. Accord-

ing to the Edson column, the money came from Frank Waters, described as an attorney and high school friend of Donald Nixon's wife. Waters was then depicted as deeding the property to Frank Reiner, who was identified in the column as a creditor who had threatened to foreclose on Donald Nixon.

Only the Quincy Patriot-Ledger published the Edson column on October 25. The following day, two more newspapers published the column. The Hartford Times carried the headline: "Nixon Makes Clear Brother's Deals Do Not Involve Him." The New Haven Register headline read: "Nixon Family Finances Are Smear Target."

The eight NEA subscribers which did not use the Edson column were the Bangor Daily News, Boston Traveler, Fall River Herald News, Lawrence Eagle-Tribune, Lowell Sun, Manchester Union-Leader, Nashua Telegraph and Springfield Union.

On October 26, there also appeared a Drew Pearson column, in which the assertion was made that the money loaned to Donald Nixon had come from Howard Hughes. In this column, Pearson stated that at the time of the loan in December, 1956, Hughes had "various important matters before the government" and went on to contend that "many of these problems got better treatment after the loan."

According to the Pearson column, the following things happened to Hughes' owned firms after the loan: "A route from St. Louis to Miami was granted TWA. A Justice Department civil antitrust suit against the Hughes Tool Company was settled by a consent decree on April 4, 1958. TWA's Far Eastern route was extended to Manila, January, 1957. And Hughes Aircraft was awarded defense contracts early in 1957 totalling around $16,000,000."

Only three New England papers could be found to have used the Pearson column. The Waterbury American used it on October 26 under the Page 1 headline: "Attempted Backfire Story Bares Nixon Family Loan."

The Springfield Daily News and The Portsmouth Herald used the Pearson column the following day, both also on Page 1. Efforts of the Committee to obtain a list of newspapers to which the Pearson column was available were unsuccessful.

There was no wire service treatment of the loan story until late in the day of October 26. UPI transmitted a story at 4:08 p.m., and the Associated Press followed at 10:26 p.m.

The AP's lead was on a strong denial of the Pearson statements by Finch. He called the story "an obvious political smear," and he denied the loan was from Hughes. He said the Vice President was not involved in any way. UPI also carried Finch's denial, but this was down in the body of the story.

Despite the availability of these two wire service accounts, nothing was found in eight of the morning papers on October 27. These were the Boston Globe, Boston Herald, Burlington Free-Press, Hartford Courant, Lawrence Eagle-Tribune, Manchester Union-Leader, Rutland Herald and Worcester Telegram.

For evening papers of October 27, both wire services cleared stories between 5 and 6 a.m. Both stories led with Finch's statement.

There was no sign of either wire story in twelve of the afternoon newspapers. These were the Barre-Montpelier Times-Argus, Boston Evening Globe, Boston Traveler, Brockton Enterprise, Fall River Herald-News, Hartford Times, Holyoke Transcript, Nashua Telegraph, Salem Evening News, Stamford Advocate and Worcester Gazette. Of these, the Hartford Times had earlier carried the Edson column.

The Committee at this juncture merely notes that of the forty-three newspapers being examined, nineteen, or nearly half, are recorded as passing up a wire-serviced news story with some of the same undertones as marked the fund episode two elections earlier.

Of the twenty-four newspapers that did use the story, nine elected to place it on Page 1. These were the New Britain Herald, both the Waterbury American and the Republican, both the Springfield Union and the News, the Concord Monitor, Lowell Sun, New London Day and Portsmouth Herald. Of these newspapers, the Waterbury American and Springfield News had carried the Pearson column.

A four-column headline on the top right side of the New Britain Herald was the best play the story received. Aside from the Springfield News, no other Page 1 headline was larger than single column in width. The Lowell Sun treated the story without headline, placing it as a run-in to other campaign matter.

Most of those newspapers which put the story on inside pages ran about eight inches of type under one-column headlines varying from 14 points to 24 points in size. The New Bedford Standard-Times put the Finch statement at the end of a long Nixon campaign dispatch on Page 3.

For morning newspapers of October 28, both wire services moved dispatches leading with a Justice Department statement that Pearson's linking of the loan to Donald Nixon with the settlement of the Hughes Tool Company antitrust suit was a "baseless inuendo." The Department asserted that the antitrust action had been filed after the loan was made.

Nothing of this story could be found in twenty-eight of the papers studied on that date. Some of the fifteen newspapers that did use the story cut it sharply and placed small headlines on it. Some of the headlines were questionable. The Providence Bulletin reported in its headline, "Justice Dept. Nails Pearson Charge." The Boston American head said, "Writer Hit In Nixon Smear Try."

A second column by Drew Pearson appeared on October 29. The columnist charged that the Nixons had gone to great lengths to keep the Hughes loan a secret and to avoid paying capital gains taxes. Pearson also asserted that Vice President Nixon's name had appeared on a list of prospective purchasers of Nixon business stock.

This Pearson column could be found in only one New England paper, the Portsmouth Herald, which published it on Page 13 under a two-column head.

Up to this point, it could be debated by professional newsmen as to whether there was actually a solid news story, or not. The Committee takes the position that it definitely became a news story on the night of October 26, after both wire services had transmitted accounts, and that it was one of potential, if as yet unproved, significance.

In the Committee's judgment, the matter passed beyond any debate stage on October 30, when the AP sent a dispatch from Los Angeles at 5:38 p.m., reporting that Donald Nixon had admitted that the $205,000 loan had originated from the Hughes Tool Company.

But nothing of this could be located in nine of the morning newspapers. They were the Bangor Daily News, Boston Herald, Burlington Free-Press, Hartford Courant, Lawrence Eagle-Tribune, Manchester Union-Leader, Portland Press-Herald, Providence Journal and Rutland Herald.

The story, however, did appear prominently on the front page of three morning papers, the Boston Globe, Waterbury Republican and Lewiston Sun. A fourth, the Boston Record, cut the story to six inches and put it on Page 17.

Both wire services sent out rewritten versions of the story early Monday morning, the AP at 4:30 a.m., UPI at 6:59. The AP lead said Donald Nixon "acknowledges" that the loan came from Hughes. UPI, however, treated the story differently. It started out: "Donald Nixon denied last night that his brother Vice President Richard M. Nixon ever had any financial interest in his company, Nixon's Inc., or that he had ever asked his brother for governmental favors." The dispatch went on to say that Donald Nixon accused Drew Pearson of trying to smear the Republican nominee. The first mention of Donald Nixon's admission that the loan came from Hughes appeared in the 70th line of the dispatch. A casual reader could easily have missed it.

Neither AP nor UPI story could be found in ten of the evening papers. These were the Barre-Montpelier Times-Argus, Boston Traveler, Brockton Enterprise, Fall River Herald-News, New Bedford Standard-Times, New Britain Herald, New London Day, Portsmouth Herald, Salem Evening News and Springfield News.

Some of the newspapers that did use the story did not headline Donald Nixon's admission. The Worcester Telegram, for example, based its headline on the second paragraph of the AP story, saying: "Nixon's Brother Denies Loan Won Favors." The Springfield Union's headline came from the fourth paragraph: "GOP Nominee's Brother Flays Pearson Story." The Waterbury American said: "Donald Says Brother Was Not Involved." The admission of the loan appeared in the subheadline. In the Boston American, the headline said: "Donald Nixon Explains Loan." In the Stamford Advocate, the headline phrase was "Reports Details." The Newport Daily News preferred "Explains." The Concord Monitor used this variation: "Brother Of Nixon In Explanation Of Loan." Other newspapers used words like "Admit" and "Concedes."

On the same day, October 30, the AP cleared a story at 6:03 p.m., reporting that Finch admitted he was misinformed when he denied in the beginning that the loan had come from Hughes. Twenty-two minutes later, the AP transmitted a short story that Drew Pearson had asked for a congressional investigation of the loan.

Only two morning papers printed either story. They were the Waterbury Republican and Lewiston Sun.

As to the second story (Pearson's request for investigation), the fact that the vast majority did not use it can easily be justified on the ground that a columnist's request for a congressional investigation is not necessarily a news story.

The Finch story raises a problem, however. On the one hand, the Committee earlier noted that twenty newspapers did not carry the first wire stories in which Finch denounced Pearson's charges. These twenty could reasonably hold that they were not obligated to correct a statement they had never carried.

But what of the twenty-one newspapers which had carried the earlier Finch denials? Giving thoughtful weight to the principle of equity of news treatment, the Committee can find no excuse to justify the omission of the October 30 Finch statement by these twenty-one newspapers.

On November 1, the first edition of the New York Post carried a story from Los Angeles quoting accountant Frank Reiner as saying that "all major decisions concerning a $205,000 Hughes Tool Company loan to Donald Nixon were cleared with his brother, Vice President Richard Nixon."

The AP cleared a report on this at 9:59 a.m. and UPI at 10:51 a.m. However, it could not be found in twenty-one of the twenty-eight New England afternoon papers. Stories were found in seven papers—Boston American, New Bedford Standard-Times, Pawtucket Times, Woonsocket Call, Waterbury American, Springfield News and Lowell Sun. Two of these papers, the Waterbury American and Springfield News, also printed a new Pearson column relating the difficulties encountered in trying to ascertain the truth of stories like the Nixon loan.

The wire services moved night leads on the New York Post story for next day's morn-

ing papers, but nothing could be located in nine of the fifteen papers. These were the Boston Herald, Boston Record, Hartford Courant, Lawrence Eagle-Tribune, Manchester Union-Leader, Burlington Free Press, Worcester Telegram, Rutland Herald and Bangor Daily News.

The six morning papers that did print the story were the Boston Globe, Lewiston Sun, Portland Press-Herald, Providence Journal, Springfield Union and Waterbury Republican. The last-named paper was the only one to put it on Page 1.

Box score on this single story: Used by thirteen, omitted by thirty.

Wire dispatches for evening newspapers of November 2 led with ex-President's Truman's jibe that Vice President Nixon needed "a bigger dog," referring to the famous Checkers mentioned in Nixon's television defense of his fund in 1952.

Three of the twenty-eight evening papers used this story, the Quincy Patriot-Ledger, the Springfield News (on Page 1) and the Fall River Herald-News. The Woonsocket Call used a one-column picture of Donald Nixon and a caption based on the New York Post story, which it had published the previous day.

For morning papers of November 3, the wire services moved a story that Nixon's mother supported her son Donald's explanation. A similar dispatch went out for evening papers. This story appeared in four of the forty-three papers. They were the Boston American, New Bedford Standard-Times, Waterbury Republican and Woonsocket Call.

The final news story before the election came on November 3 when Representative Jack Brooks (Texas Democrat) said he had received allegations that the Civil Aeronautics Board was influenced in its decisions on Hughes firms by the Nixon loan. Brooks said he was asking for an investigation. Both AP and UPI moved this report between 6 and 7 p.m. and sent rewritten day leads the next day before 8 a.m.

This story could not be found in twenty-nine of the New England papers. Of the fourteen papers which did use either of these dispatches, three put them on Page 1. They were the Manchester Union-Leader, New Britain Herald and Waterbury Republican.

Summarizing, it must be reported that the remarkable part of the story of the Nixon loan is that it was conspicuous by its absence in most of the New England press.

According to the Boston University processing forms, which were rechecked carefully by the Committee members, a total of nine newspapers never printed a word about the entire affair. These papers were the Barre-Montpelier Times-Argus, Boston Herald, Boston Traveler, Brockton Enterprise, Burlington Free Press, Hartford Courant, Lawrence Eagle-Tribune, Rutland Herald and Salem Evening News.

According to the same raw material, eight other newspapers used the story on only one day. These papers were the Bangor Daily News, Boston Evening Globe, Fall River Herald-News, Manchester Union-Leader, New London Day, Stamford Advocate and both the Worcester Telegram and Worcester Gazette.

Technically, the story could be listed as active on seven days. Only two of the forty-three papers carried an article on each of the seven days. They were the Waterbury Republican and Woonsocket Call. Of the two, the Waterbury morning paper gave much the heavier coverage, putting five of the seven stories on Page 1.

Nine other papers printed four or more stories or columns. These were the Boston American, Berkshire Eagle, Lewiston Sun, Lowell Sun, New Bedford Standard-Times, New Haven Register, Pawtucket Times, the Quincy Patriot-Ledger, Springfield Union and Waterbury American. Many of the articles in these newspapers were short. Some were those which could be classified as of little significance. Many carried small headlines on inside pages.

Outside of the two Waterbury papers, there were only fourteen occasions when any of the Nixon loan developments made the front pages of the papers under study.

Wire dispatches were usually printed without any sign of editing. Cutting of stories invariably was done from the bottom, as if by the scissors-editing method. Some of the questionable headine treatment has already been noted.

The Committee's attitude about the basic news value of the story has already been expressed. Seeking to explain the behavior of the New England press, the Committee finds itself perplexed.

It is a truism that newspaper editors are ambivalent in their attitudes about columns. They purchase them, they publish them, they frequently run them in news space, then contend that they are not news.

Drew Pearson is not the most popular of sources among some editors. The Committee recognizes that these two general attitudes, placed in juxtaposition, could have caused some editors to have decided either that the loan story was being treated out of news proportion or needed confirmation. However, as was stressed earlier, the Committee feels that this line was crossed on October 30 with Donald Nixon's admission about the source of the loan.

It is possible that some papers may have omitted, or played down, the story deliberately because of political reasons, but this will never be possible to prove.

The central fact is that whatever the motives or the news-judgment reasoning, the total coverage of the forty-three New England newspapers being studied on this story was meager and incompetent enough to give critical readers sufficient room to suspect actual political bias.

C. THE PUERTO RICO STORY

The Puerto Rican story burst full-blown on the night of October 21. From San Juan came the wire service news that the three Roman Catholic bishops of that American territory had issued a pastoral letter forbidding Catholics to vote for Gov. Luis Munoz Marin's Popular Democratic Party.

The pastoral letter took issue with Munoz Marin's administration of three issues—religious instructions in schools, a law permitting teaching of birth control and allowing sterilization, and public tolerance of common law marriages.

In New York, Democratic Nominee John F. Kennedy issued an immediate statement, asserting that he considered "wholly improper" any church interference in the voting intentions of its members.

The basic issues in Puerto Rico have from time to time been controversial matters in New England and, therefore, might be expected to receive swift and thorough news coverage.

Extensive coverage on the morning of October 22 was given by both the Boston Globe and the Providence Journal. The morning's major story was the report of the fourth Kennedy-Nixon television debate, and this naturally occupied top position. The Globe gave the Puerto Rico story a two-column head at the bottom right of Page 1, jumping to Page 11. Nominee Kennedy's comment appeared in the shoulder of the story, also jumping to Page 11. On Page 11, the Globe ran a six-column line, with a photo of Munoz Marin. Total space covered, included headlines, ran 33½ inches. The Providence Journal began its two-column headlined story at the top of Page 1, at the side of the TV debate play story. It also jumped to Page 11, under a single-column head. Total space, including headline ran 23½ inches.

Only one other morning paper saw it as Page 1 news—the Springfield Union, which gave the story 10¾ inches, starting under a one-column head in mid-page.

The Rutland Herald gave the story a top head on Page 2, single column, and ran 12¾ inches. Curiously, this was the only story on the subject the Rutland Herald was to carry over the rest of the eighteen-day news period—or sixteen effective news days, as it was to develop.

The Lewiston Daily Sun went to Page 4, the Hartford Courant to Page 6, the Lawrence Eagle-Tribune to Page 9, and the Manchester Union-Leader, Portland Press-Herald and Waterbury Republican to Page 16. Most of these stories were in the 10-to-12 inch range, but Manchester ran shortest—98 words.

No sign of the story could be found in the Boston Daily Record, Boston Herald, Burlington Free-Press or Worcester Telegram. Nor could it be located in the Saturday-Sunday edition of the Bangor Daily News.

By afternoon newspaper time, it was evident that the majority of New England editors recognized Puerto Rico as a major story. Of the twenty-eight evening newspapers being studied, seventeen of them had the story on Page 1, three more had it on Page 2, and one on Page 4. Only seven of the twenty-eight were listed in the blank column.

Strongest play was in the Providence Bulletin with a three-column headline and overall space usage of 22¼ inches. The Waterbury American was only fractionally behind.

Besides these two, the Page 1 brigade included the Berkshire Eagle, Boston Globe, Brockton Enterprise & Times, Concord Monitor, Fall River Herald-News, Holyoke Transcript, New Bedford Standard-Times, New London Day, New Haven Register, Newport Daily News, Pawtucket Times, Quincy Patriot-Ledger, Springfield Daily News, Stamford Advocate and Woonsocket Call.

The three which used the story on Page 2 were the Boston Traveler, Hartford Times and Portsmouth Herald. The Page 4 user was the Boston American.

The seven evening papers in which the story could not be found were the Barre-Montpelier Times-Argus, Lewiston Evening Journal, Lowell Sun, Nashua Telegraph, New Britain Herald, Salem Evening News and Worcester Gazette.

For the Sunday papers of October 23 there was a new angle. Gov. Munoz Marin announced he planned a protest to the Vatican. This was the AP's lead. UPI was leading with the San Juan Star's strong criticism of the bishops.

But only three Sunday papers could be found with either of these stories—the Boston Advertiser with a 10-inch story on Page 12, the Providence Journal on Page 32 with a two-column head, and the Lowell Sun with a six-column head on Page 36.

By Monday, October 24, there was a whole series of stories. In San Juan, a crowd had booed one of the bishops. In New York, Francis Cardinal Spellman declared that Puerto Rican voters would be within their rights in disregarding the pastorial letter. From Vatican City was a statement "issued by an authoritative but not official spokesman" that the Puerto Rican bishops had been within "their episcopal authority."

Nine of the morning papers carried some portion of the stories. These were the Bangor Daily News, Boston Globe, Boston Herald, Hartford Courant, Lawrence Eagle-Tribune, Lewiston Daily Sun, Portland Press-Herald, Providence Journal and Waterbury Republican.

Nothing could be located, however, in the Burlington Free-Press, Manchester Union-Leader, Rutland Herald, Springfield Union or Worcester Telegram.

In the afternoon field, usage was again heavy. Stories appeared in twenty-two of the twenty-eight evenings, five of them on Page 1. These were the Concord Monitor, Lewiston Evening Journal, Pawtucket Times, Quincy Patriot-Ledger, and Waterbury American. Five others chose Page 2—the Berkshire Eagle, Boston American, Hartford Times, Holyoke Transcript and Worcester Gazette. The Gazette's story ran slightly over 13

inches, and it was the first time the story had appeared in Worcester.

The Lowell Sun carried no news story, but devoted a two-column-long editorial on the subject.

Many of the stories, including those used on Page 1, were short. Major space was used by the Boston American and the Boston Globe.

To this point, almost all of the headline treatment had been of a uniform nature. On this day, the majority of the headlines said something to the effect that Puerto Rico was "split" over the pastoral letter, or that the bishop had been jeered. The Committee found itself pausing over the Boston Traveler. On the Saturday previous, the Traveler had carried a two-column headline saying "Bishops' Letter Stirs Puerto Rico." On this Monday, the Traveler preferred an overline, "Puerto Rico Campaign" and then a strong two-column head, "Catholics Told How To Vote." In its Page 2 banner, the Boston American headlined, "Vatican Backs Vote Order," which may not have been precisely accurate, but which could be so interpreted by some copy editors.

The five evening papers of October 24 in which no story could be found were the Barre-Montpelier Times-Argus, the Brockton Enterprise, Nashua Telegraph, Portsmouth Herald, and Salem Evening News.

The story continued to swirl in many directions on October 25. One of the Puerto Rican bishops asserted that those defying the pastoral letter "would commit the sin of disobedience," a position at variance with that expressed by one of the other three bishops involved. The bishops were attacked by the Puerto Rican newspaper El Mundo. The San Juan Bar Association voted to study the matter. Robert Kennedy, in the United States, criticized the letter.

Eleven of the morning papers carried stories, ranging all the way from the Lewiston Sun's 4¼ inches on Page 14 to the Boston Globe's extensive coverage on Page 8, with art, running to 35 inches of space. Others covering the story were the Boston Daily Record, Burlington Free-Press, Hartford Courant, Lawrence Eagle-Tribune, Manchester Union-Leader, Portland Press-Herald, Providence Journal, Springfield Union and Waterbury Republican. Waterbury and Burlington played the story on Page 1.

So had the Manchester Union-Leader, in what the Committee considers one of the most unusual news treatments of the whole run of the story. On Saturday morning, October 22, the Union-Leader had carried the 98-word story previously mentioned. Nothing thereafter appeared on Sunday or Monday, but on this Tuesday, the Manchester paper appeared with an eight-column 72-point banner line above its masthead, reading, "Puerto Rican Church-State Rift Widens." Above the fold, there was the one-column head tie-in "Puerto Rico" and "Catholics Told How To Vote: People Divided." Total space: Just short of 30 inches.

No sign of the story appeared for the Bangor Daily News, Boston Herald, Rutland Herald or Lawrence Eagle-Tribune.

The afternoon newspapers of October 25 continued their heavy play of the Puerto Rican story. Twenty-two evenings were represented with stories or columns. The six missing were the Boston Globe, Brockton Enterprise, Concord Monitor, Holyoke Transcript, Salem Evening News and Springfield Daily News.

David Lawrence's column appeared that day in seven of the afternoon newspapers. This column took the position that the Puerto Rican bishops' action was something not confined to the Catholic clergy; that "advice to voters is given constantly by clergymen of all faiths." No news story appeared in two of the papers on the October 25 that the Lawrence column appeared. These were the Lowell Sun and Stamford Advocate, both of which carried the column on inside pages.

The New Bedford Standard-Times carried three paragraphs on the San Juan developments deep in the heart of a political story.

Puerto Rican developments made Page 1 news in four newspapers, the Barre-Montpelier Times-Argus, the Lewiston Evening Journal, New London Day and Portsmouth Herald. The Barre-Montpelier paper gave the story 5½ inches. It was the only time during the entire period that it was to touch upon the story.

October 26 and 27 saw a lull in coverage. Eight morning papers carried nothing that could be found. Three of the mornings, the Providence Journal, Manchester Union-Leader and Portland Press, carried extensive news stories. The Providence paper's coverage included a New York Times Service background story. Four other mornings, the Burlington Free-Press, Lewiston Sun, Lawrence Eagle-Tribune and Springfield Union, carried only the Lawrence columns.

Among the afternoon newspapers on October 26, only five of the twenty-eight evening papers carried news stories, all very brief. These were the Holyoke Transcript, New Britain Herald, Quincy Patriot-Ledger, Springfield News and Waterbury American. The Nashua Telegraph published the Lawrence column.

On October 27, news coverage in three of the morning papers—Providence Journal, Waterbury Republican and Worcester Telegram—was modest. A fourth, the Springfield Union, carried a story less than three inches long in its "World News" roundup. The Providence Journal also carried an editorial examining the hierarchy's position. The Lewiston Sun carried only an expository editorial. This innocuous presentation, however, was headlined: "Puerto Rico Bishops Inflame Religious Row."

In the afternoon of October 27, only three newspapers carried stories, the Fall River Herald-News, Quincy Patriot-Ledger and Waterbury American.

On October 28, the story burst into major proportions again, and this was to continue over until the 29th. It was to be the last major attention given the story by the New England press.

In Boston, Cardinal Cushing issued a statement saying that church leaders in the United States who would try to tell Americans how to vote would be "totally out of step with the American tradition." In Mobile, Archbishop Egidio Vagnozzi, the apostolic delegate, expressed himself as "confident no such action would ever be taken by the hierarchy in this country." In South Bend, one of the Puerto Rican bishops (James Davis) defended his position. There were lesser developments in San Juan.

Cardinal Cushing held the news attention in the morning papers of October 28. Four of the papers placed the story on Page 1, the Boston Globe, Manchester Union-Leader, Portland Press-Herald and Waterbury Republican. Also carrying stories on inside pages were the Boston Daily Record, Boston Herald, Hartford Courant, Providence Journal and Springfield Union. Major space was given by Waterbury, Springfield, The Boston Globe and Providence. The Bangor Daily News carried only the Lawrence column.

Nothing could be found in five of the mornings—Burlington Free-Press, Lawrence Eagle-Tribune, Lewiston Daily Sun, Rutland Herald and Worcester Telegram.

The afternoon field on October 28 found six newspapers in which nothing could be found. These were the Barre-Montpelier Times-Argus, New Britain Herald, New London Day, Newport Daily News, Stamford Advocate and Waterbury American.

All twenty-two other afternoon newspapers carried stories. Most of the articles were datelined from Mobile. The AP roundup included Cardinal Cushing's statement. There was a separate story, reporting the (liberal Catholic) weekly *Commonweal's* position against the bishops. Three of the afternoon papers, Berkshire Eagle, New Haven Register and Woonsocket Call, gave Page 1 space to the stories. The others all ran on inside pages. The New Bedford Standard-Times included its story as part of a general political roundup.

By Saturday, October 29, the Puerto Rican bishops had stiffened their stand. Some newspapers were catching up with Bishop Davis' comments at South Bend. There was one story from Vatican City that received variable treatment. It was a lengthy report detailing how the Vatican was avoiding involvement in the United States election. The last three paragraphs dealt with Puerto Rico. Two newspapers ran the story in full. At least four others ran it with the Puerto Rican material dropped. One paper also carried a Milburn Akers column on the Puerto Rican issue.

In any event, there was coverage in ten of the mornings on October 29. Only the Boston Globe and Providence Journal carried the stories on Page 1, both strongly.

Nothing could be found in four of the mornings, the Boston Herald, Burlington Free-Press, Rutland Herald and Manchester Union-Leader.

In the afternoon field, nothing could be found in eleven of the papers, the Barre-Montpelier Times-Argus, Boston American, Boston Globe, Boston Traveler, Brockton Enterprise, Concord Monitor, Lowell Sun, New Britain Herald, Newport News, Salem News or Worcester Gazette.

Of the seventeen papers that did use stories, ten did so on Page 1. These were the Berkshire Eagle, Fall River Herald News, Holyoke Transcript, Lewiston Journal, New London Day, Newport News, Pawtucket Times, Springfield News, Stamford Advocate and Waterbury American.

By this time, the story, for all purposes, had run its major course. Although the news was occasionally to be of some eye-catching appeal—the silent parade of protest in San Juan, the second pastoral letter from the bishops, and the attack on the bishops by the San Juan Bar Association—coverage in the New England press turned sporadic and spotty. A few newspapers continued their interest in the story over the rest of the period, but they were a distinct minority.

The most thorough coverage over the whole range of the story's life was given by the Providence Journal. On thirteen publishing days, the Journal gave what was usually effective and thorough treatment to the story. Close behind was the Waterbury Republican, which had a record of ten days of similar coverage. Tied with nine days of coverage were the Hartford Courant, Providence Bulletin and Quincy Patriot-Ledger. The Boston morning Globe was attentive to the story eight days.

At the other end of the scale, only one four-inch story was found in the pages of the Salem Evening News, that having to do with Cardinal Cushing's comment. As reported earlier, the Barre-Montpelier Times-Argus carried only one story, that 5½ inches long. The Rutland Herald carried only the first-day story, then nothing thereafter. On October 29, Rutland also published the Vatican story, but the Puerto Rico paragraphs were edited out.

The Brockton Enterprise found it a story on only two days—on the first day and again when Cardinal Cushing spoke up.

The Burlington Free-Press was interested only three days, and this includes one day when all that appeared was the Lawrence column. For the New Britain Herald, the story held only a three-day appeal—October 24, 25 and 26. The Boston Herald also found only three days of news interest, one of these including a Sunday edition.

Surveying the scene, the Committee finds the New England performance an erratic one.

Obviously, there were more than a few newspapers which gave competent, con-

sistent, fair and adequate coverage of the Puerto Rican episode.

The Committee is astounded by the slowness with which some of the New England press responded to the story. Unlike the Nixon story, this one of the Puerto Rican bishops carried a direct regional interest. It was related to the religious affiliation of the candidate who represented the New England area; it touched on the issue of church vs. state, and few areas in the nation are more sensitive to this issue than New England. For newspapers with circulations running above 20,000 daily to as high as over 300,000 to react so casually to a story of this nature casts a cloud upon the professional competence of editors and staff members. Almost a dozen of the area's newspapers acted unaware of the proportions and significance of the story for entirely too long a news period.

Even among those newspapers which endeavored to give full coverage there were a few examples of headline carelessness. The Waterbury Republican, one of the top ranking papers in coverage, slipped in this regard on the first day when its headline gave this misleading information: "Catholic Bishops Protest Pastoral Letter On Voting." General carelessness showed in the Concord Monitor's treatment October 22, when it headlined "Pope Urged To Shift Bishops," but the story neglected to tell what the bishops were protesting in Puerto Rico.

The final verdict on the Puerto Rican story must read: No indicated bias.

But the Committee is compelled to repeat that there are clear indications of poor judgment and neglect on wire desks.

D. GENERAL CONCLUSIONS

The Committee would emphasize that there is no reason to believe that a similar study in other sections of the country would have produced different results. The Committeee also stresses that this particular study, confined to New England, should not be misinterpreted to draw invidious regional comparisons.

Instead, the New England Society of Newspaper Editors deserves praise for subjecting its member newspapers to study and critical examination. It is believed to be the first time that any group of American newspapers has volunteered to have itself examined for bias, and it is a pioneering effort worthy of the nation's pioneer group of newspapers.

This report comes at a time when there is restiveness about self-criticism in journalism. More than one current leader in American newspapering has spoken up against criticism and asked that the spotlight be placed on the constructive. The Committee believes that the two go hand in hand. As Erwin Canham, the distinguished editor of the Christian Science Monitor and former president of the United States Chamber of Commerce, has said: "American newspapers must live up to and fulfill their high professions of news objectivity. And, somehow or other, their job must be critically analyzed. Through such rigorous self-examination, newspapers can become and remain worthy of their urgent responsibilities."

In doing such an analysis of the New England press, the Committee has been perfectly conscious that there is no norm in American journalism. Each editor's judgment must dictate the kind of newspaper he presents. News judgments vary from newspaper to newspaper, and properly so.

Professional goals do exist, however. American editors are agreed that among the most important of these goals is the fullest possible dissemination of news so that the citizen-readers of the American society are informed citizens. With rare exceptions, American editors are also agreed that news should be presented as fairly as possible, and that all sides deserve representation in matters where there is controversy. And there is likewise general agreement that at no time are these goals more important of striving for than when the American electorate is weighing the choices for public office.

As to the two stories studied in this context, they were clearly of different news proportions.

Obviously, the action of the Puerto Rican bishops received far more thorough and competent coverage than the study of the Nixon loan. In view of the distinct regional interest, the Committee agrees without reservation that the Puerto Rican story deserved the more thorough treatment.

It cannot be disputed that there was a greater reluctance on the part of the New England press to handle the Nixon loan story. True, there were extenuating circumstances to some degree, but the Committee feels that the goal of full and fair news dissemination was not achieved by a continuing overlooking of the Nixon story on the part of some newspapers.

The Committee has already commented that the handling of the Nixon story was meager and incompetent enough to give perhaps some readers the suspicion of bias. However, it needs to be stressed at this point that some of those newspapers which seemed reluctant to handle the Nixon story also came up with sorry, or erratic, records on the Puerto Rican episode.

There are some newspapers, of course, which could see nothing in the Nixon story and a great deal in the Puerto Rican case. In itself this is not conclusive.

There were those, as recorded, which had excellent records on both stories. Some were competent. Some were merely passing fair.

Then there were those which handled both stories in a manner that can only be described variously as slow, sporadic or slapdash.

One might be tempted to find excuses for a smaller newspaper which is often operated with a very few, overburdened staff members. No such excuse can hold for the large newspaper with big, well-staffed desk operations and adequate facilities.

The Committee finds no proof of bias on the part of the majority of the New England press.

It is compelled to report however (and sadly) that the New England Society's next objective might well be one directed toward a raising of professional standards.

PAPERS IN THE STUDY

Paper	AP	UPI	NYT	Other	Circulation
CONNECTICUT					
Bridgeport Herald		Yes			[1] 71,838
Hartford Courant	Yes	Yes			[2] 113,846
Hartford Times	Yes	Yes		NEA	[3] 124,088
New Britain Herald	Yes	Yes			[3] 31,209
New Haven Register	Yes	Yes		NANA, NEA	[3] 99,236
New London Day	Yes				[3] 28,084
Stamford Advocate	Yes				[3] 25,538
Waterbury Republican	Yes	Yes			[2] 22,546
Waterbury American	Yes	Yes			[3] 40,709
State total					557,094
State total excluding Sunday					485,256
MAINE					
Bangor News	Yes	Yes	Yes	NEA	[2] 76,277
Lewiston Sun	Yes				[3] 31,613
Lewiston Journal	Yes				[3] 14,105
Portland Press-Herald	Yes	Yes			[3] 53,599
State total					175,554
MASSACHUSETTS					
Boston American	Yes	Yes			[3] 165,763
Boston Daily Record	Yes	Yes			[2] 371,393
Boston Globe, morning	Yes	Yes		CDN, DJ, RN, NANA, NYHT.	[3] 191,991
Boston Globe, evening	Yes	Yes		CDN, DJ, RN, NANA, NYHT.	[3] 143,950
Boston Herald	Yes	Yes	Yes		[2] 177,105
Boston Traveler	Yes	Yes	Yes	NEA	[2] 169,783
Brocton Enterprise & Times	Yes	Yes			[3] 43,669
Fall River Herald-News	Yes	Yes		NEA	[3] 40,493
Holyoke Transcript-Telegram	Yes	Yes			[3] 25,955
Lawrence Eagle / Lawrence Tribune	Yes	Yes		NEA	[4] 40,409
Lowell Sun	Yes	Yes		NEA	[4] 43,185
New Bedford Standard-Times	Yes	Yes			[3] 63,288
Pittsfield Berkshire Eagle	Yes	Yes			[3] 28,931
Quincy Patriot-Ledger	Yes	Yes		RN, NEA	[3] 47,164
MASSACHUSETTS—Continued					
Salem News	Yes				[3] 24,872
Springfield News	Yes	Yes		DJ, NANA, CT, NYN.	[3] 99,973
Springfield Union	Yes	Yes		CT, NYN and NEA	[2] 82,263
Worcester Gazette	Yes	Yes		WWP	[3] 92,860
Worcester Telegram	Yes	Yes		RN	[2] 57,783
State total					1,910,380
NEW HAMPSHIRE					
Concord Monitor	Yes				12,512
Manchester Union Leader	Yes	Yes		NANA, NEA	[4] 48,824
Nashua Telegraph	Yes			NEA	[3] 11,955
Portsmouth Herald	Yes				[3] 14,179
State total					87,470
RHODE ISLAND					
Newport News	Yes				[3] 11,969
Pawtucket Times	Yes				[3] 38,133
Providence Journal	Yes	Yes	Yes	RN, WWP	[2] 61,175
Providence Bulletin	Yes	Yes	Yes	RN, WWP	[3] 143,529
Woonsocket Call	Yes				[3] 25,742
State total					280,548
VERMONT					
Barre Times-Argus	Yes				[3] 10,445
Burlington Free-Press	Yes				[2] 32,549
Rutland Herald	Yes				[2] 20,138
State total					63,132
Total of all papers in survey					3,074,628
Total, excluding Sunday Bridgeport Herald					3,002,790
Total of all New England papers					6,211,986
Total of all papers excluding Sundays					3,933,355

[1] Sunday. [2] Morning. [3] Evening. [4] All day.

EXHIBIT 5

POLITICIANS BEWILDERED BY REAGAN

(By Marianne Means)

WASHINGTON.—Political leaders of both parties here are deeply perplexed and disturbed by Governor Reagan's angry denial that he fired two staff members for belonging to a homosexual ring.

His statements were made in bland disregard of the fact that one of his current employes had personally informed reporters about the problem.

Reagan's later protestations that his denial was merely to protect the individuals involved did not explain why he originally did not simply refuse to comment rather than attempt to mislead.

For more than two weeks congressional figures, financial giants, and administration officials have discussed little else at dinner parties and luncheons here except Reagan's questionable veracity at a time of personal crisis. Most just cannot understand why he reacted as he did.

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The private tragedies involved in the situation are not a proper matter for public discussion. But Reagan's conduct is definitely a legitimate object of public scrutiny. The nation has a vital stake in ascertaining all the mental, physical, and spiritual strengths and weaknesses of any man being seriously considered as a possible presidential nominee.

Savvy Democratic and GOP politicians regard the Governor's performance in this instance as an index to his ability to stand up under pressure. And many of them have concluded that in this area Reagan leaves something to be desired.

One Republican predicted that a large number of conservatives who had been flirting with the prospect of supporting a Reagan candidacy would react to his blunder by rushing into the familiar embrace of the new, imperturbable Richard Nixon.

The ability to stand up under pressure is a prime qualification voters seek in the man they trust with the atomic button and their very lives.

Can they feel confident that a man who blows up when in an embarrassing political position will remain calm and judicious if faced with an urgent international crisis as President?

Both admirers and detractors of Reagan have been groping for an explanation that would clarify his peculiar lack of credibility on an issue in which he could easily be proven less than truthful.

Some politicians feel that Reagan's mistake relates to the difference between the performance expected of a person in a position of public accountability and that expected of a public person of only private accountability.

This interpretation reaches back to Reagan's career as a Hollywood actor. When some unflattering aspect of a Hollywood celebrity's private life is reported in a newspaper, the celebrity simply denies it. Nobody knows—or cares—whether it is the celebrity or the reporter who is telling the truth. Such conflicting accounts of an actor's private life seldom adversely affect his public career—in fact, intrigue and controversy have occasionally helped the box office of some stars.

NOT ACCOUNTABLE

The movie celebrity is responsible only to his own conscience on the question of truthfulness; he is not held to public account for his actions and words as a private individual.

Perhaps Reagan has had difficulty in adjusting to the public obligations required of presidental aspirants. Or perhaps his recent performance can merely be attributed to inexperience.

Presidential candidates are judged by tougher, more complicated standards than are local officials, even governors. And Reagan has around him today no professional advisers practiced in the fine art of national politics.

ALLEGED PRICE FIXING OF LIBRARY BOOKS

Mr. HART. Mr. President, last year the Subcommittee on Antitrust and Monopoly held hearings on alleged price fixing of library books. Information compiled through our investigation and hearings spotlighted a conspiracy between publishers and wholesalers to fix prices on library editions of children's books.

As a result of our hearings, numerous city, county, and State governments have filed treble damage actions against these publishers and wholesalers as provided for under the Sherman Act. For instance, suits have been filed by the States of Alaska, Michigan, West Virginia, Massachusetts, Illinois, Texas, and Wisconsin, as well as the cities of Los Angeles, Philadelphia, and New York. Dade County, Fla., has filed an action along with many other governmental bodies.

Additionally, the Department of Justice brought civil action under the Sherman Act accusing 18 publishers and wholesalers of fixing prices at high and artificial levels, depriving schools, libraries, and Government agencies of the benefits of competitive bidding. And here is where the problem comes into focus.

The Government on October 25, 1967, filed proposed consent judgments to become final in 30 days. Under the proposed judgments the defendants do not admit violations of law. Therefore, injured parties may not use these judgments as prima facie evidence of conspiracy for purposes of treble damage action. They will also be denied use of documents which the Government has gathered, this for the reason that the consent judgments will put them in a state of limbo not to be unlocked for these or subsequent plaintiffs. This means that the cities, counties and States will have to start from the beginning and prove those facts which the Department of Justice probably now has in its files.

The Department could decline to enter into a consent decree unless the defendants agreed to the inclusion of an injunction against contesting antitrust liability in a suit by a city, county, or State to collect damages. This procedure has been used in *United States* v. *Lake Asphalt and Petroleum Co.*, 1960 Trade Cases 69, 835 (D. Mass., 1960).

However, the Department believes, and probably quite correctly, that the defendants will not accept a judgment containing such an injunction. The Department would then be faced with trying these cases which would tie up certain of their personnel for an indefinite period.

Although I can understand the Government's reluctance to have to try these cases, I nevertheless still have reservations about this approach. Let us examine the facts. The Department charges—and from our hearings, I believe they can sustain the charges—that the defendants conspired to fix and maintain high and artificial prices to school and public libraries for children's books. The dollar volume of these books is at least $40 million per year and from our hearings we know that the practice was in effect as far back as 1954. Overcharges are estimated at between 25 and 40 percent. It should shock the conscience that at a time when we are so eagerly attempting to encourage and aid our youth in their educational endeavors that private firms would attempt to take advantage of the public funds to increase their profits illegally.

What will the consent decrees do? They will prohibit these defendants from violating the law again. This may have some advantages but certainly it does not accomplish as much as a money payment to those public agencies which have been injured by violations of law.

It seems to me, especially in view of the fact that public moneys are involved, that the Department of Justice should carefully consider the possibility of withdrawing present consent decrees and insist on an admission of liability if such a decree is to be agreed to. I am advised that many of the governmental agencies involved in the suits have already urged the Attorney General to take such action. Certainly such action would be a great benefit to those who have been damaged by this conspiracy.

On August 30 of this year the National Association of Attorneys General passed a resolution calling for more effective cooperation between the Department of Justice and the States in antitrust matters. Certainly because of the high degree of interest by the States in these cases, it would appear that this would be a good starting point for more meaningful cooperation.

Along this line, I would urge the Department to consider in future consent proceedings the establishment of a practice of filing with the consent decree a memorandum of fact setting forth such information acquired during the investigation which is not privileged material. For instance, information identifying the parties, the place and date of suspect meetings, the general character of documents acquired and such other facts upon which the complaint was based could be included in such a memorandum. This would be of immeasurable value to the injured parties since they could use this information for their investigation and preparation for trial. At the same time, it would not deprive the defendants of any legal rights since they could still offer any defenses or mitigating circumstances available to them.

I ask unanimous consent that a letter from the attorney general of the State of Michigan to the Attorney General of the United States on this subject be printed in the RECORD.

There being no objection, the letter ordered to be printed in the RECORD, is as follows:

Re Price Fixing Conspiracies Relative to Library Books.

Hon. RAMSEY CLARK,
Attorney General, Department of Justice, Washington, D.C.

DEAR GENERAL CLARK: It has come to my attention that the Department is completing prosecutions of eighteen publishers of library books and that consent decrees against those publishers are now being considered. (*U.S. v. Harper and Row Publishers, Inc.*, U.S.D.C.,

N.D. Ill., Eastern Division, #67 C 612 et seq.) I am one of several Attorneys General representing states which have filed treble damage suits against substantially the same defendants. In fact, Michigan, along with West Virginia, Massachusetts, Texas, and Wisconsin, now has pending in the Chicago court a motion for leave to intervene in the Department's civil suits against the library book publishers, for the purpose of objecting to entry of consent judgments in the form presented to the court, and to protect the interest of the public as represented in the treble damage actions pending on behalf of our states' taxpayers. Michigan is particularly interested in protecting the work product of the Department's suit, since it was in substantial part developed by Senator Philip A. Hart, of Michigan, in hearings of the Antitrust Committee of the Senate, and made available to the federal grand jury.

The result of the conspiracy or conspiracies involved consisted of substituting library editions for trade editions sold to libraries and schools, and by this and other means eliminating previous trade discounts ranging from ten to forty percent. (Some of us who have been investigating this feel that the average loss of discount approximates 33⅓%, but we cannot state from our present knowledge how close this comes to the actual damages resulting therefrom.)

The practices which are the subject of your prosecutions and of your civil action significantly affect a substantial portion of school districts and public libraries in states throughout the nation. As you know, under Title II of the Elementary and Secondary Education Act of 1965, more than one hundred million dollars of federal money is made available to the states each year for improving school libraries, and this is only one source of funds allegedly overcharged by the conspiracy which is the subject of the litigation. Substantially all of these, and other public funds such as federal library funds, are affected by the conspiratorial diminution or elimination of trade discounts to public schools and libraries. The effectiveness of at least two major federal programs was, therefore, diminished.

In addition to the five states and numerous local municipalities which have already filed treble damage suits based on the above alleged conspiracy, other states contemplate filing similar actions. Therefore, I feel that the federal government has a significant interest in seeing that as many public agencies as possible, including the states, recover overcharges to their taxpayers resulting from the conspiratorial practices referred to. I therefore urge you to give all appropriate aid to any interested state to achieve this end.

It is appropriate in this connection that I call your attention to a resolution adopted by the National Association of Attorneys General, of which I am currently president, at its annual meeting on August 30, 1967, relative to the increasing public need for more effective antitrust enforcement by the states, and the necessity of developing better cooperation between the Department of Justice and the states as well as among the states. I write this letter as Attorney General of the State of Michigan rather than as President of the Association, of course, but forward for your attention a copy of the resolution referred to as germane to the subject being discussed.

Specifically, I request that you consider the following actions:

1. Insist on including in the consent decrees an "asphalt clause" which would protect the interests of the public money purchasers injured by the conspiracies.

2. Conducting in the Department of Justice a seminar or symposium for attorneys representing the Attorneys General of the several states and other units of government to give them the benefit of the know how and work product of these employees of the Department of Justice who have worked on this matter.

We realize that the filing of these cases was preceded by a grand jury investigation and that the transcript of grand jury proceedings or any part of it cannot be revealed without a court order. However, except for this, the know how and work product of your attorneys and economists can be made available and it seems to us it should. Especially with costs of government and taxes rising to a point of national emergency, we can see no reason why legal and economic work already completed by federal employees should be needlessly duplicated by state employees, which will be the case if the federal work product is not made available to the states. It is in the common interest of the federal and state governments to avoid such waste.

Your earnest consideration of these proposals will be greatly appreciated.

Yours sincerely,

FRANK J. KELLEY,
Attorney General of Michigan.

A PERSPECTIVE ON VIETNAM

Mr. MONDALE. Mr. President, recently I was asked to appear at an issues conference of the Young Democratic-Farmer-Labor Party of Minnesota. The issue, not surprisingly, was Vietnam.

In preparing for that session, I tried to come to grips with the dissent over the war. I wanted to describe my own position with regard to Vietnam policy as well as I could, and I wanted to try to put the war into a broader perspective of America's responsibilities abroad and at home. I also wanted to speak to Minnesota's young Democrats about political power and political parties and their responsibilities toward both.

My remarks offered a number of conclusions:

First. The differences in position among responsible people who discuss Vietnam policy are smaller in fact than they are made to seem through the polarization of views that is taking place.

Second. The courses open to us in Vietnam have implications far beyond Saigon, Hanoi, and Washington.

Third. The debate over Vietnam is drawing our attention from some other vital concerns of America—world hunger and development problems, the need for an effective international organization that will keep us from destroying ourselves, the crisis of missing opportunity for millions of Americans, the appalling ignorance in which we deal with our domestic problems.

Fourth. We badly need the idealism and devotion of our young people if we are to keep growing in America, and our growth is always likely to be less than we want—often accompanied by failure and disappointment.

Mr. President, this was a partisan group and I gave a partisan speech. But there was nothing partisan in my attempt to discuss Vietnam; one discusses that issue only as an American.

I desire to share these remarks with Senators, so I ask unanimous consent that they be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

YOUNG DEMOCRATIC-FARMER-LABOR ISSUES CONFERENCE ON VIETNAM

(Remarks of Senator WALTER F. MONDALE, Macalester College, St. Paul, Minn., November 11, 1967)

Student political activity—your participation in the Young Democratic-Farmer-Labor Party and this kind of issues conference—really matters, because there is a critical relevance between your activity as a student in politics and the opportunity for involvement in American political life.

My own case is not unusual. In Minnesota, young men and young women who believe in their principles and are willing to exert themselves in the political structure are quickly accepted and given access to the corridors of power in American government. This is exciting.

But more than that, it ought to be sobering. As students you cannot, any more than I, be flippant in your view of American problems. Nor can you be irresponsible in your outlook, or permit others to assume responsibilities that you are unwilling to assume.

We cannot avoid debate; we cannot avoid controversy; we cannot avoid dissent. As Americans we must choose which courses we will take. As Democrats we have the additional problem of determining the best strategy, because that is a part of politics as well.

It is impossible to deal with the issue of Vietnam in a few words, and especially not in slogans. It is enormously complex. It involves analysis of many factors and many features. But I have tried to set down, as best I can, where I stand on Vietnam, why I stand there, and why I think you should stand there, too.

Some disagree with me—there is another Senator from Minnesota who takes a different view, and I respect him as a sincere and effective public servant. In our party and in our state we have generally been right on the great issues that face mankind, whether justice, or opportunity, or human rights, or foreign aid, or free trade, or the responsibility of this nation to improve the possibilities for a stable and peaceful world. Our party has gone beyond that, and its public leaders have put meat on those bare bones. Searching for new insights, eager to seize new leadership opportunities, impatient with mediocrity—we have shaped this party to the highest standard in the nation on issues, ethics, and the competence and dedication of its officeholders.

We have often disagreed. In fact, we have a party composed of such conviction that it is becoming increasingly difficult to hold it together. When we finished last year's battle, we had proved that we really believe that there are more important things than winning. And only this year, you Young Democrats have told the National Young Democrats to chuck it and some of you have organized to defeat the incumbent President and Vice President of the United States. That includes Hubert H. Humphrey of Minnesota—whom I believe to be one of America's greatest citizens.

It may be that factionalism is the price of superiority. And yet the unique function of a political party is to translate ideas into political power and to legislate that power into administrative reality. You can't do that when you are out of office. We are out of office in Minnesota, and some of you, reluctantly, and some eagerly, would have us out of office in Washington.

I just can't believe that makes sense. Nor can I join those who would withdraw from Vietnam or pursue other policies that amount to the same thing.

It would be wonderful to see that great issue more clearly, to speak out more eloquently, to couple my deep distress over the Vietnam tragedy with a plea or demand for a single dramatic act that would bring it to

an end. But there is no way to wave a magic wand and have the issue disappear. There is no way to talk it, or shout it, or march it out of existence.

I am all too conscious that my position is not a popular one here. But there are two kinds of crusaders in this debate, and I just can't join either kind.

Just as I cannot subscribe to a domino theory or a monolithic communism theory, I cannot subscribe either to a demon theory or a dupe theory. Furthermore, I fear the passion which assigns broad significance to narrow distinction. As a young Democrat I watched another crusade—over loyalty. Like that one, though more intensely because there are two kinds of crusaders this time, I feel that this debate is on the verge of running away with us—of taking on a life of its own and sweeping us before it.

As I try to tell you what I think about Vietnam, I also want to try to put that struggle into a larger perspective. Our involvement in Vietnam is only one of our problems, and some of our others are at least as important to America and to those of us—to those of you—who must lead it. For whether we lead well or badly, it is tomorrow that we shape with whatever we do today.

First of all, I am terribly concerned about our involvement in Vietnam. I don't like the killing and destruction, the slowness of political improvement, and the colossal inflation.

Nor does anybody else. That is the first important consideration I must suggest to you. You may have to judge our policy in Vietnam as mistaken. You may have to call it ineffective. But it is not morbid, and character assassination only limits the possibility of sensible discussion.

Next, there can be little doubt that we have made some mistakes in Vietnam. I happen to think that two of them have been our gradual Americanization of the military effort and our decision to bomb beyond supply routes that directly affect our own forces. We have made errors before in domestic and international affairs, however. But the history of our involvement and the errors we have made in Vietnam have become an obsession for far too many.

Of course we need to be concerned about how we got there, what our commitments were, what better alternatives there might have been. But even if we could agree on answers to those questions, they are not worth our most serious consideration.

We must examine our presence in Vietnam in other terms than the past. Even if it be assumed that we could have done something else, something better, let us look at our present involvement and consider what we might do now.

Vietnam will end sometime. What will begin?

Some of our mistakes in Vietnam were made while we fought in Korea. What mistakes are we making elsewhere in the world as we fight in Vietnam?

We have half a million men in Vietnam today, fighting a live war. A newly elected government is threatened by the National Liberation Front, which desires to take control of South Vietnam. It is also threatened by a North Vietnamese government which is bringing troops and supplies to the South. The troops are North Vietnamese. The supplies are not.

The United States is carrying the brunt of the military struggle against both the NLF and the North Vietnamese. The United States alone is carrying on an aerial war intended to diminish the movement of troops and supplies to the South.

The South Vietnamese government has not been very successful in mobilizing an effective military effort, although there have been some very fine South Vietnamese forces involved in the fighting and I think they should be pushed far harder. The South Vietnamese government has also not been very successful in mobilizing popular public support in the areas under their control.

A massive U.S. presence has economic effects, as well as military and political effects. Remembering that we have made mistakes, seeking some improvement, what can we do? The questions of policy affect South Vietnam, North Vietnam, Asia, and the rest of our world.

One of the major dissenting groups in this country suggests the kind of escalation of military effort that will bring the North Vietnamese and NLF to their knees in some sort of abject surrender. The Administration does not seek such unlimited escalation, so this is a dissenting view.

The policy suggestions of these dissenters are dangerous, I believe. For the Chinese and the Russians cannot accept such an end to the war, and broadening it beyond Vietnam is unthinkable. Yet there are Americans who strongly favor this approach—a policy that seems to me to be an attempt to end the war in Vietnam by starting World War III.

A second major dissenting group calls just as vocally for immediate and unilateral withdrawal of our military presence in Vietnam. It goes without saying that this implies withdrawal of our economic and political presence as well. As Edwin Reischauer says in his new book, *Beyond Vietnam*, such a step, though more debatable than escalation, is not much more attractive. He considers it to be a minor disadvantage that all of Vietnam would probably fall under the control of the Viet Cong and eventually the North Vietnamese. He considers it insignificant that the United States would lose face and even suggests that we might be better off in our relations with other nations if we were not so powerful and prestigious.

But Reischauer, whose years of study and experience in Asia provide some reason for us to take him seriously, says that there could be disastrous political and psychological consequences of withdrawal. It would, he says, "send a massive psychological tremor through all of these countries (of South and Southeast Asia), further threatening their stability and perhaps sharply shifting their present international orientation."

In addition, he says, it increases the likelihood of "wars of national liberation" in the less developed countries in the world. He points out: that these unstable nations of Asia, almost uniformly, are fearful that they too might be visited by guerrilla warfare or wars of national liberation; that they continue to be concerned about what the enormous nation of China may have in mind so close to their borders; that if we were to withdraw from South Vietnam the Viet Cong and the NLF, at this point, when the stakes are this high, would be successful in causing us to withdraw; that the "high risk" politicians in the Communist world would have proved their case and the now nearly forgotten theory that communism is the "Wave of the Future" would be revived; and the prudent politicians in the Communist apparatus would lose much of their influence because they would be proved wrong.

Reischauer points out that there is something to the domino theory, though not in the simple mechanical sense in which it is typically put. In the countries closest to Vietnam, he says, there is some strong approval of our Vietnam policy and "a considerable degree of quiet support, masked either by discreet silence or by an official stance of mild condemnation."

These nations, because of internal instability or apprehension about China's intentions or the loyalties of substantial Chinese populations within their own borders, "would feel much less secure if the United States, after having committed itself to the fight, were forced to admit defeat at the hands of Communist insurgents."

In addition, Reischauer points out, the seekers for Communist control in underdeveloped countries throughout the world would see this as proof that "wars of national liberation" are irresistible. Reischauer suggests that "it would be far better proof than Ho Chi Minh's victory over the French in North Vietnam, or the Communist triumph in China, or the sweep of Communism in the wake of the Soviet army in North Korea and East Europe, because in none of these cases was the military power of the United States directly involved."

Successful Communist insurgency, Reischauer says, would depend mostly on conditions within these countries, "but a clearcut defeat of the United States in the Vietnam war would certainly be one external factor that could have a seriously adverse influence on this situation."

Reischauer also maintains that shifting American military power elsewhere, as some have suggested, would have doubtful consequences. We would be spreading military power "into areas where the Vietnam war had just shown that our type of military power was relatively ineffective."

He questions whether less developed countries would still want close alliances with us after having seen that we could not guarantee "security from the threats that menace them most—namely, internal subversion and guerrilla warfare." A new defense line might simply pave the way for more disasters like Vietnam, he says, and rejection by Asian nations of such an approach "would probably further reduce our ability to play a helpful role in Asia, even in fields other than the military."

Reischauer sums up:

"The net results of our withdrawal from the war in Vietnam, however skillfully we might try to conceal the withdrawal, would probably be an increase in instability in much of Asia and a decrease in the influence of the United States and in our ability to contribute to the healthy growth of Asia. These adverse consequences might be felt in much of Asia for years to come."

Besides changing the political climate of Asia for the worse, Reischauer speculates, withdrawal from an American commitment for whatever reasons—political, strategic or moral—could encourage doubts in such nations as Japan and our European Allies about the reliability of commitments there, and might even encourage nuclear proliferation. What is involved here, he says, is not the loss of face, but the loss of faith.

Nuclear proliferation happens to be very much a central concern of peace in our world community. We hope and pray that the recently submitted draft treaty to the proliferation of nuclear power will receive the support of nations which are now not a part of the nuclear community. If our commitments that we have made in Vietnam over and over again—despite what may have been the wisdom of those commitments—prove to be commitments that we are willing to forget, how can these nations, India and the rest, believe us when we say we will protect them from nuclear attacks?

Furthermore, Reischauer suggests, the effect at home might be even worse. Along with those who would take renewed strength from a moral stand and those who would see it as a strategic cutting of losses, there might come a kind of racist isolationism that could damage our relationship everywhere in the world. I quote him when he says "in our eagerness to (save American lives and stop the carnage in Vietnam) we might help produce such instability in Asia and such impotence in ourselves that the development of a stable, prosperous and peaceful Asia might be delayed for decades."

Now all of this is speculation, as Reischauer admits, but it is the kind of speculation that looks to the future rather than

the past. And it recognizes, it seems to me, two vital points.

First, our involvement in Vietnam is not a matter strictly between us, Saigon, the NLF, and Hanoi. What we do makes a difference elsewhere. Any major action must be considered in terms of possible consequences—both those which are obvious and those which are not.

Second, there are other considerations in addition to history and morality which may be important to the policy of a nation involved in a tremendously complex network of relationships throughout the world. Just as we cannot think only of our pride and our prestige in discussing the war in Vietnam, we cannot think only of our errors and our guilt.

No doubt this is one reason for the gap between the real differences and the imagined differences in position on Vietnam among public figures in America. A few weeks ago, in the Sunday New York Times Magazine, one of the analysts reported that the emotional gap in Vietnam seemed to be far broader than the factual gap in differences of point of view. I think there is indeed an emotion gap, one that stems from assigning broad significance to narrow distinctions.

For example, one universal point of view ties the Senate critics of Vietnam to the Administration. No U.S. Senator, to my knowledge, has publicly advocated immediate unilateral withdrawal from Vietnam. When pressed, every Senate critic of our policy in Vietnam accepts the fact that our presence will be required for the foreseeable future.

There is no great joy among Administration critics over this fact of life, but they all know what precipitous action would mean in Vietnam, Asia, and the world. They know that the United States cannot act without considering all of these consequences. They know we cannot undo the past and the present, that there are no magic wands.

Their suggestions are limited to lesser steps which they believe can be taken with lesser consequence. But the passionate read their recommendations otherwise, with far too little serious analysis of differing positions and far too much wish—fulfillment. Let me use myself as an example.

I consider myself a supporter of the Administration policy, but I feel free to criticize, and I have done so when I felt our policy was wrong.

I've said publicly that I think we were wrong to go beyond bombing supply lines, railroads, and infiltration routes, and targets of that nature. I believe that we should stay away from targets which raise the risk of striking Russian shipping or that needlessly endanger civilian lives. Moreover, I would gladly suspend bombing, if a reasonable opportunity for meaningful talks arose.

I have said publicly that negotiations must include all parties, including the NLF.

I have said publicly that the United Nations, any other international group, any single nation, or any individual, should be used to bring about negotiations. I supported Senator Mansfield's Resolution introduced a few days ago, which 57 Senators signed, asking that this matter be brought before the Security Council and, hopefully, that there be a reconvening of the Geneva Conference.

I have said publicly that the war should be fought as much as possible by the South Vietnamese—that it is the responsibility of the new government to improve its army and reduce the manifest corruption in the military, political and business structures in South Vietnam.

I have called publicly for more emphasis on real achievement and pacification and more concern about the really sad and pathetic aftereffects of the war in the villages and upon the refugees.

All of these statements, I believe, fall within the limits of support of the Administration in Vietnam. They fall there because they recognize the reality and the necessity of continued U.S. presence there. And they support the Administration's goals of a negotiated political solution to that tragic conflict.

Where, then, does the dramatic difference lie between my position and the positions of those considered critics of Administration policy? There appears to be one hard distinction.

Some of these critics—not all of them—are calling for an unconditional and complete end to the bombing of North Vietnam. That difference appears to be judged by substantial numbers of protestors as a major difference of policy. Particularly in light of the restrictions I would impose on North Vietnamese air strikes, my opinion is that this is a narrow distinction to loom so large.

Unconditional cessation of bombing might speed talks. It might also increase the flow of supplies to the South, increase American and South Vietnamese casualties, and weaken our defensive position to the point where the chances of negotiating would be substantially reduced. I think we must be willing to take a chance to get to the bargaining table, but I would like to see a hint of better accommodation by the North Vietnamese before I take that chance. It is instructive to read the article written by Wilfred Burchett, who has traditionally been used by the Hanoi government to disclose its position, about ten days ago. He pointed out that even if we cease bombing at this time, Hanoi is not interested—I think he put it—even in *contacts*, let alone *talks*, until the bombing of North Vietnam stops finally and completely. The only steps that would lead to *talks*—not *negotiations*—would be for us to stop bombing North Vietnam, cease all military activity, and withdraw our troops from South Vietnam. Then they would begin talks, Burchett suggests. Negotiations might follow.

I don't know for sure whether stopping the bombing is better than continuing, and neither does anyone else. But as I said, I would like to see a stronger hint on the part of the North Vietnamese and the NLF that they will negotiate.

That desire for negotiation does not separate supporters of the Administration from opponents of the Administration, except in the eyes of those who seek to oversimplify the debate. There *is* a group that is not in favor of negotiations now or any time, but they are the dissenters who believe in complete military victory.

Those who would discuss the war must be certain to make the real distinctions. They must be careful not to magnify differences or create them where they do not exist.

There is much more than Vietnam policy involved in this debate. I am concerned about the climate I see, that polarizes gradual differences in views on Vietnam and focuses on that subject to the exclusion of all other problems. Tom Wicker described it recently in the New York Times as an "agony" that has overtaken the nation. "Perhaps," he said, "it was summed up in a picture widely printed in the European press—the contorted face of the young American pacifist screaming with hatred, the veins of a passionate contempt outlined in his neck, his fists clutched under a policeman's riot mask. In what manner could a pacifism so fierce and so despising differ from the violence and cruelty of men in iron helmets?"

Wicker went on to say that perhaps if the war in Vietnam hadn't existed, it might have had to be invented. "Something," he said, "was needed to symbolize, and thus to give focus and energy to, a profound but voiceless discontent with the land of the free and the home of the brave—to a deep sense that something was wrong, some failure was distorting and perverting the idea of America."

As Wicker went on to say, this is nothing new in America, this disillusionment over contradiction. Righting the wrongs of past and present, whatever they are, is fundamental to the development and leadership of our nation. But as Wicker said, "there is something repugnant in it, too, in the intolerance and ferocity of disaffections, as if human failure were evil, as if a sort of inquisition were needed to scourge the money changers from the American temple."

We have failed in Vietnam, as we have often failed in one way or another to achieve the ideals we have set for ourselves. Such failures have troubled us from the beginning—they troubled Jefferson and Lincoln and Bryan and Roosevelt, Truman, Kennedy and Johnson. Our present failures go beyond Vietnam, and the danger is that in the dissent over Vietnam we will lose sight of their magnitude.

Vietnam is such an obsessive, emotional struggle that it is making us incapable of preserving ourselves in the corridors of power. I cannot see a world with only one issue and one position that can be taken on that.

Despite my deep frustration over Vietnam, my despair over the destruction of war, my concern for the dying—all the dying, I feel deeply that in all of its tragedy, our present course is the best that we have to pursue. And I cannot bring myself to magnify my reservations to the point where they would be seen—incorrectly, but probably enthusiastically—as a fundamental objection to our policy in Vietnam.

I would ask you, instead, to devote some of your attention to our other problems, where you are desperately needed, where the fragile coalition for progress is in danger of breaking down in the face of the Vietnam debate.

There are not enough of us in Congress who want to increase economic assistance to poorer countries of this world. That is our first failure of effort, the growing gap between the rich and the poor nations of this world. It is not just growing, it is exploding. And our response has been a shrug.

One of the most frustrating things a liberal can do is to try to come to grips with this issue, to mount the kind of lobby that will reconcile and implement the great ideas which have been advanced to deal with this problem.

I don't have to tell you that nearly two-thirds of the people of this world are incredibly poor—and that the population burst is making them poorer. I don't have to tell you that millions of people are continuously so hungry that they are stunted in body and mind, that well over 10,000 human beings will die today from hunger. Unless we can turn the corner on the hunger explosion, Vietnam will look like a tea party.

Meanwhile, the percentage of our Gross National Product devoted to foreign economic aid has dropped from two and one-half per cent in 1949 to six-tenths of one per cent last year. Before we are through this year we will probably have dropped it to four-tenths of one per cent, far below the average one per cent effort which experts feel the developed nations must make if there is to be steady international development. This was to be the Decade of Development; it is going to be, I fear, the Decade of Disappointment.

We promised the underdeveloped nations of the world that we would permit them to trade with us. But we have fallen miserably short of that promise, too. And today powerful Senators are proposing protectionist legislation that rivals the Smoot-Hawley tariffs of the 1920's in its restrictiveness.

Beyond that, we are stripping the underdeveloped nations of their skilled talents—their doctors and engineers and that thin veneer of professional leadership that is absolutely indispensable to them if they are to have any chance for growth.

There is, however, one area of trade where we have willingly entered into development efforts, along with every other developed country in the world. We have welcomed the underdeveloped nations of the world to the international arms race.

Since 1962 this nation has increased its grants and sales of arms to developing countries from $404.8 million in that year to $866.5 million in 1967, and almost all of the increase has been in sales, which are now more than six times as great as in 1962. The crush of the world's annual arms burden now approaches $175 billion. And in this country we are threatened by an imminent anti-ballistic missile race that could cost $50 billion by itself, to say nothing of what it will bring in reaction investment in other nations.

Some of us in the Congress have not only been concerned about these universally dangerous signs, but have worked on them. We've voted to try to change the trend. We've tried to recruit active participants for the attempt to help developing nations stand on their own feet and grow toward peace and stability. Developing an impetus for international development is as fundamental an issue as any of us face.

A second great failure, as least as important as the first, is our inability to develop the kind of workable international institution which can keep the peace. You know the history of the League of Nations, one of the truly tragic stories in American history. We are coming very close to repeating it in the United Nations.

We must do far more to strengthen that institution, to contribute our resources and our faith to it, to call upon this organization to deal with the broad, fundamental issues which this world faces. Without an international institution that has some potential for keeping the peace, the chances of preventing Armageddon are dim indeed.

Nor are all our problems confined to international affairs. We face domestic problems of fantastic proportions for which we have yet to develop solutions or even to allocate the necessary resources. This despite the fact that we are in the 81st month of the longest, most vibrant period of economic growth in this nation's history, war or no war.

We now have a Gross National Product nearing $800 billion. All of India with 500 million people has only $43 billion; all of South Asia only about $50 billion. Last year the economy of the United States grew by $10 billion *more* than the full economies of all the nations of Africa produced, excluding South Africa.

Yet we still deserve Gunnar Myrdal's judgment in *Challenge to Affluence* that "There is an ugly smell rising from the basement of the stately American mansion." That smell is in the air. It mingles with the bitter odors of gunpowder and charred ruins in American cities across the land.

We are now dimly perceiving the fact that our domestic mistakes of the past have reaped racial bitterness, human frustration and failure, and the alienation of millions of American citizens who are trapped in American ghettoes. Like the solution to the Vietnam crisis, a solution to the urban crisis defies simple identification.

Racial patterns of living are more deeply entrenched than ever before, and they are nationwide. As the chief author of the federal Fair Housing bill, I find nothing more difficult, nothing more frustrating than trying to raise this issue—which for the first time involves Northerners, not just Southerners—and call upon this nation to declare the principle that we are going to live together and not separately. Until we do so the chances of solving the maladies of this country are very bleak indeed.

I am proud as a Democrat, and I think you should be proud as Young Democrats that this week the first Negro was elected mayor of a major city in this country—and he bears our party label. And we can be proud of the election of Andrew Hatcher too. But there is a darker side of those elections that none of us can ignore.

In Cleveland only one out of four white Democrats voted for Stokes. The other three jumped over to the Republicans. In Gary, Indiana, only 17 per cent of white voters voted for Mr. Hatcher. Those ought to be sobering statistics.

There is not only a question of substance. We have a profound moral issue in this country, the question of whether we really believe in each other as people regardless of color. It is fundamental and basic and far from resolved.

Millions of Americans have educational systems hardly worthy of the word.

Insensitive law enforcement officers, inadequate public services, and an apathetic American public have created a new generation of bitterness and cynicism and hate, with leaders who see violence as an accepted method of settling grievances.

What has been our response? Too often there has been too little sympathy and too little help, and too much inclination toward suppression; a reverse violence which could make this nation even more divided.

Now, we must insist upon order, but I don't believe you can have order unless you have justice. And the objective of a liberal, objective of a decent American, must be the accomplishment of both objectives.

Yet this is a country where the poverty program is being virtually dismantled. We will be fortunate to save the structure of these programs, and we are almost certain to see only minimal increases in funding. A profoundly wealthy country, after it has made promise after promise of greater opportunity, after it has gone through one explosion after another, after the injustices have been laid out for all of us to see, may yet turn its back on the poverty program.

We have salvaged only $10 million for rent supplements, $13.5 million for the Teacher Corps, and about half of what the President asked for Model Cities.

Our effort to create an emergency public jobs program lost in the Senate by 54 to 28. A program to fight rats in American cities was laughed down in the House of Representatives. Though we now know that children are starving in Mississippi, a remedy has been stifled in the House Agriculture Committee.

It's not that we lack money. A supersonic transport made it through the Congress, $142 million and sonic booms and all. We found $4.5 billion for space and $4.7 billion for public works. Yet we could not find the resources for more than the most modest beginning attack on the problem of American cities. And that, it seems to me, is as important as any issue facing our nation—or indeed, our world.

Finally, while it may seem strange to say it, one of our biggest problems, in my opinion, is that we know so little about American society, just as we know so little about Vietnam and Asia.

When our cities exploded, public officials were astonished. Why would New Haven and Detroit—model communities under creative, sophisticated leadership—explode? Where had we failed? What could be done about it?

This past summer doctors found children, thousands of them, starving in America just as they do in India. No one in the federal government knew it was happening.

We still don't know what to do to educate the children of blighted areas. Some say the only way is full integration; others call for massive and expensive compensatory education.

But the frightening thing to me is that after generation after generation has denied charity in this country, the American educational establishment has yet to agree on what is needed to achieve something as minimal and fundamental as giving children a fair chance.

Because we do not have the knowledge we need, some of us believe that the structure at the national and local levels must be changed to bring sophisticated social scientists to the highest executive and legislative levels. We must undertake the development of social indicators that will keep us informed of human progress and failure. We must search for answers deliberately and institutionally in the pursuit of full opportunity. Otherwise change will smother us and despair will be our watchword.

Even if we could simply stop the war right now—and I don't believe we can—we would not be assured of the resources we must have.

Even in present circumstances we could have commenced significant new efforts with only the most marginal kinds of sacrifice. As I have said, we found money this year for the SST, space programs, and expanded arms credit sales to poor nations. But we barely saved new and beginning innovative programs for the cities.

There is no perfect correlation between attitudes toward the war in Vietnam and attitudes toward social programs. Some of those who have made the argument that we can't afford both guns and social programs have always voted against those same social programs. What is basic in dealing with problems at home and abroad is not the question of resources going to Vietnam, although that clearly complicates it. There is a fundamental problem of the will to see it through, to design programs and appropriate funds to alleviate human problems at home and abroad.

To do that will require your effort, your involvement in this political party, your success at the polls.

Our need is not to burn flags or draft cards, or to convert decent human beings into demons and seek to destroy them. Hating is easy and self-righteousness is satisfying, but this course destroys more than it builds. It steers people from the forces of progress and further weights the balance in favor of the reactionary, insensitive, and selfish, who already have the upper hand.

If we are to generate full opportunity for all Americans, we will need resources in unprecedented proportions.

This will require a political coalition that can obtain greatly expanded support in Congress and at all levels of government. Where will the moral, intellectual and material resources be found to remake our America? What hope is there that we can accomplish this goal of full opportunity?

I think it rests with you. Much has been said about the Generation Gap. I personally believe there *is* a difference in your generation—deeper commitment to more honest, personal, moral and intellectual standards. If my appraisal is correct, I hope you never grow up—never adjust to the apathetic compromises that deprive the nation of the committed idealism that we must have.

Our party cannot continue to translate ideas into power and action unless there is a continuing infusion of creative and inspired and selfless young leadership—prodding and pushing us, but prodding and pushing themselves toward leadership in party and government that ultimately achieves a society that fulfills the larger purposes of a humane and compassionate people.

We have been torn by a bitter fight here in Minnesota. We could be torn by an equally bitter fight over Vietnam. I fully respect and honor those who disagree with me on Viet-

nam, but my plea here today is that we see, despite this disagreement, that there is a larger objective. It could be shattered and paralyzed if we let our differences destroy the effectiveness of our party, if our great movement toward human improvement is further divided, split and shattered.

The party and its ultimate success are the only hope for millions of people in this country and in the world who hope for opportunity. This is our cause and this must be our effort, despite our mistakes. We can't succeed without you.

You are here on the specific issue of Vietnam. And you must deal with it as best you can. We all must. But I would ask that you consider two things:

First, make your decisions about Vietnam with full knowledge of the present and as much insight into the future possibilities as you can generate. Do not be deaf to the multitude of voices. See the distinctions as they are, not as you'd like them to be.

Second, pass your judgments as citizens of the world. Place Vietnam in the context of the unfinished work before us—the battle against starvation, the fight to build workable international institutions, the struggle to avert hatred and violence in our own society, the absolute demand that we plan for the kind of world and nation we want. Knowing what must be done, which party do you want to place in power? For you can't get out of the world, and it's not a pastoral symphony. And 1968 will make a difference to America and the world.

Tom Wicker concluded his New York Times article by saying:

"From reality man reaches toward promise, fails, and in an agony of failure finds his greatness by reaching again."

The fundamental requirement for trying in agony to reach and succeed next time is young leadership, unwilling to compromise where compromise is dishonest, working with energy and understanding, infusing our party and government with the idealism that we need. Not withdrawing from the process because of inevitable disappointment, but in those disappointments and in the agony of the failure of our society, reaching and trying again.

Those of us in public life certainly cannot argue that we've even approached perfection. But I think it makes an awful lot of difference whether you are willing to try; whether your dreams are still important enough to make a special effort. It is an attitude, it is a commitment, it is a willingness to be involved that's at stake here.

I see precious little chance that it is going to come from the other political party. If it comes at all, it will almost invariably come from our own. That's why what we do with this instituiton, what you do as young Democrats is not, as some would say, irrelevant to the power structure of this country. It is fundamental and it is important.

Recently I received a letter from a student in California about a speech that I had given on the generation gap. He wrote specifically about what he considered to be my thesis—that if you disagree with the system, then fight it, or reform it, from within.

"Although I am a devoted follower of the New Left (he said), I do take issue with their surprising naievete on the political system and how to change it. I heartily agree with your example of recent California gubernatorial contest and how the apathy of the New Light in that race may hold potentially tragic results. Indeed the tragic result has partially taken effect.

"You are almost totally correct in your insights into the thoughts and goals of my generation in your impression that many of us regard national politics as being largely irrelevant."

Then he suggests some reasons, some compelling ones, for this attitude.

"One of the reasons," he suggested, "is the ancient theory that you can't legislate against hate which much of today's young activists at least subconsciously believe. I take issue with this, for there is no better argument against that statement than the record of liberal legislation in America. I believe that one can legislate against evil and I further believe that one must, for I am completely assured that if one does not fight evil at the top, then its pressures will permeate our existence.

"A handful of young radicals ignoring the structure will not produce the results that we want, but it will leave that much more room for the enemy to run free, crowding the hills with billboards, clouding the air with pollution and ravaging our forests with the exploitation of packaging.

"A political system must be radically changed. But it must be internal. Obviously we can't exist without government as of yet. Nor, can we of the new left muster enough people to totally ignore the system.

"We shall show ourselves shortly around Washington. Rest assured that we make our pressures strongly felt. I myself hope to be in the front lines."

My message to you as young Democrats is that I hope you know what this young man knows. I hope you too will be in the front lines, in Washington and in St. Paul.

Maybe one of you will have to push me out to get there someday. I won't like it if that happens, but I'll have to take it. And I say better one of you within the Young Democrats than one of them.

For they'll be after me, too, and they'll be doing it inside the system, inside one of the best organized and politically powerful state Republican parties in the nation. Is that what you want? That could be what you get, if you abandon the party as a vehicle for a change in government and policy.

I hope you've thought about it carefully and deeply.

KOREA AND VIETNAM

Mr. FULBRIGHT. Mr. President, Mr. Y. J. Rhee, of Uniondale, N.Y., sent me a copy of an informative letter he wrote on November 1 to Under Secretary of State Katzenbach. In the letter Mr. Rhee makes a number of interesting comments in rebuttal to Secretary Katzenbach's analogy, in a recent speech, between the Korean war and the war in Vietnam. I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNIONDALE, LONG ISLAND, N.Y.,
November 1, 1967.

Hon. NICHOLAS DEB. KATZENBACH,
Under Secretary of State, U.S. Department of State, Washington, D.C.

DEAR SIR: As a Korean-born American citizen, I was intrigued by your unsubstantiated analogy between the Korean War and the Vietnamese War, which you presented in your recent speech at Fairfield University, Fairfield, Connecticut.

I should like to cite several significant differences between these two wars. First of all, Korea had been a nation-state for many centuries until Japan annexed her in 1909. Vietnam, on the other hand, is a geography which has never developed into nationhood. In Korea, the North Korean troops commenced an unprovoked attack on June 25, 1950 against the government which was established under the supervision of the United Nations. The United Nations General Assembly recognized the government in Seoul as the only lawful government on the peninsula. As you are aware, none of the South Vietnamese governments have enjoyed similar recognition by the United Nations.

Secondly, the aggression from the north in Korea was an external attack, whereas, the hostilities in Vietnam are largely guerrilla type operations by the South Vietnamese against the South Vietnamese government. In other words, a military victory over the aggressors was possible in Korea, but in Vietnam the ultimate victory must be a political one, for which the United States military power can not determine its final outcome.

Thirdly, you stated that there were criticisms against the Korean government led by Dr. Syngman Rhee that it was not really representative. I regret to inform you that your information and knowledge of the Korean government before the Korean War are totally inaccurate. The pre-Korean War government under Syngman Rhee was truly representative. In fact, Rhee's Minister of Agriculture was a communist. The election which was supervised by the United Nations Commission on Korea was completely honest and a group of powerful opposition parties were in operation. Of course, during and after the War, Syngman Rhee used the American-equipped and American-advised forces of organized violence to crush his political enemies. In the end, as you are well aware, Koreans now have a war lord government which rules the country with American tanks and guns.

Lastly, your statement in connection with the complaints that the Koreans were not doing enough for themselves during the Korean War is callous. Please allow me to cite my own personal account of how much sacrifice Koreans made to repell the aggressors in cooperation with fighting men from eighteen member nations of the United Nations. I have two brothers; all three of us actively served throughout the War. My younger brother then was in tenth grade and I was in the second year of college. Like many friends of mine, we did not claim student deferments but chose to fight. When I graduated from a boys' high school in Seoul in 1949, I was one of the one hundred fifty graduates and all of us advanced to colleges. At the end of the War, I found more than a half of my high school classmates were killed in action and many more were maimed. I am familiar with your military service during the World War II and subsequent captivity in Germany. I am proud to say that my brothers and my friends served during the Korean War with the same dedication as you did for the United States.

In conclusion, I do not believe that your strained analogy of the two wars would serve any purpose in defending the dubious Vietnam policy of the Johnson Administration.

With highest esteem,
Sincerely yours,

Y. J. RHEE.

ERVIN CONSTITUTIONAL CONVENTION BILL DRAWS FIRE FROM ST. LOUIS POST-DISPATCH, CONSTITUTIONAL LAW EXPERT

Mr. PROXMIRE. Mr. President, some weeks ago the Subcommittee on Separation of Powers of the Senate Judiciary Committee held hearings on legislation introduced by Senator ERVIN to define the ground rules for the calling of a constitutional convention under article V of our Constitution. It was my privilege to testify on this significant proposal.

Two thought-provoking commentaries on the Ervin bill have since come to my attention. The first is an editorial from the St. Louis Post-Dispatch, the second, an article by Prof. Charles L. Black, Jr., Luce professor of jurisprudence at Yale Law School. Both commentaries are sharply critical of the Ervin proposal, although Professor Black feels it should be

"sunk without a trace" while the Post-Dispatch calls it a "tentative basis for hearings," feeling "it is better for Congress to decide the issue now rather than wait for an emergency."

These critiques of S. 2307 bear a striking similarity, however, in arguing forcefully that the bill completely omits the people from the convention process and substitutes State legislatures at every step of the proposal and ratification process. For example, State legislatures, not the U.S. Congress or the courts, would be the final arbiter of the validity of a State call for a constitutional convention. The Governor, the only representative at the State level of all of the people of a State, would not have a chance to veto such a convention call. State legislatures could appoint convention delegates if they so wished, bypassing the right of the people to elect those delegates.

Each State would have but a single vote in a constitutional convention, thus contravening the principle of proportional representation. As a result a convention could be submitted to State legislatures for ratification even though delegates representing 85 or 90 percent of the people in the United States objected. Finally, although Congress could decide to have any proposed amendments ratified by individual State conventions, S. 2307 would give the State legislatures the authority to set the rules of procedure for these conventions.

Mr. President, we have been told for some time now in connection with State calls for a constitutional convention on reapportionment that we should let the people decide. Senator ERVIN's bill as it is presently drafted, would let the State legislatures decide, thus bypassing the checks and balances of our Federal system. Every constitutional traditionalist should be seriously concerned about such a possibility.

I ask unanimous consent that Professor Black's article and the St. Louis Post-Dispatch editorial be inserted in the RECORD at this point.

There being no objection, the article and editorial were ordered to be printed in the RECORD, as follows:

LATEST MOVE IN THE "CONVENTION" GAME

(By Professor Charles L. Black, Jr., Luce Professor of Jurisprudence, Yale Law School, New Haven, Conn.)

S. 2307, introduced by Senator Ervin on August 17, is scheduled soon for hearings. The bill is compounded of futility, multiple unconstitutionality, and reckless foolishness. Its introduction is the latest move in the "Constitutional Convention" game; some background is necessary, if you have not been following the earlier innings.

Article V of the Constitution provides that amendments may go through in two ways. First (and this is the procedure invariably followed up to now) Congress may, by two-thirds majorities in each House, submit an Amendment to the state legislatures, or (at Congress' own election) to conventions in the states, three-fourths of whom must ratify. Secondly, it is provided that "Congress . . . on the Application of the Legislatures of two-thirds of the several States . . . shall call a Convention for proposing Amendments . . .," which are then to be submitted to one of the same ratification procedures (again at Congress' election) as are those originating in Congress.

In recent decades, a good many of the state legislatures have decided—if "decision" is the right name for the mindless, discussionless whooping-through which has characterized some of their proceedings—that this language empowers them to force the calling, not of a "Convention for proposing Amendments," in the sense of a convention to consider national problems and to fashion such proposals as the convention thinks ought to be made, but rather of a "convention" to vote aye or nay on a text actually proposed by the legislatures themselves. The only authority behind this reading of the text of Article V is the self-serving authority of twentieth-century state legislatures.

Between them and their goal stands Congress, with its power to decide upon the validity of their "applications," and to set such rules for representation at the "convention" as to Congress may seem to be in the national interest. S. 2307 seeks, in brief, to disarm Congress in advance, and to put the country entirely at the mercy of the state legislatures, by setting up a well-greased "standard operating procedure" for dealing with these applications, so that it would be impossible for the contemporaneous and focussed judgment of Congress to act on them as issues arise.

It is hard to strike a balance between the futility and the over-all foolishness of this proposal. I think I will start with the futility.

The measure is utterly futile because it tries to do what neither the Ninetieth nor any other Congress can do—to bind future Congresses to exercise their discretion and responsibility in a certain way. After specifying what the state applications are to contain—and in doing so resolving, probably wrongly, several crucial constitutional questions—S. 2307 reaches its bottleneck:

"If either House of the Congress determines, upon a consideration of any such report or of a concurrent resolution agreed to by the other House of the Congress, that there are in effect applications made by two-thirds or more of the States for the calling of a constitutional convention upon the same subject, it shall be the duty of that House to agree to a concurrent resolution calling for the convening of a Federal constitutional convention upon that subject."

It is entirely clear that this Congress cannot bind its succesors either by its attempted resolution of the thorny constitution problems entailed in the decision whether state applications are valid, or by its policy-judgments (embodied in the rest of the bill) as to the sort of "convention" to be called, when and if one is to be called. No Senator or Representative in any subsequent Congress could warrantedly think himself estopped to reconsider all these problems from the ground up—indeed, he would be under a plain duty to do so, and to cast his vote in accordance with his own and not his predecessors' conscience. The bill is therefore a *brutum fulmen*. Yet it is introduced for an effect—the effect of producing a momentum, an appearance of consensus. It is therefore worth talking about more fully, for it is important not only that it not pass, but also that it not make a good showing.

As to the foolishness, the most conspicuous unwisdom, as I have implied, is over-all. The entire conception of a "standard operating procedure," in respect of the discharge of this critically important Congressional function, never up to now invoked, and sure to be very rarely invoked, if at all, in future, is absurd. The amendment of the Constitution is hardly a thing to be reduced as nearly to the automatic as may be. Calling a Constitutional Convention is the last thing one would wish to see routinized.

More detailed comment on S. 2307 may usefully focus on particular sections.

Section 3(b) performs an astonishing initial act of abdication:

"Questions concerning the State legislative procedure and the validity of the adoption of a State resolution cognizable under this Act shall be determinable by the State legislature and its decisions thereon shall be binding on all others, including State and Federal courts, and the Congress of the United States."

Neither on this nor on any other matter, as I have pointed out, can the Ninetieth Congress effectively abdicate for its successors, and the provision therefore classifies easily under the futility heading, but it also would seem to be unconstitutional, in that it at least seeks to withdraw from Congress and the courts such responsibility as they might constitutionally have to determine whether the state applications are valid, and it is foolish, for it leaves to local interest to determine the "validity" of an attempted exercise of a function of vital concern to the nation.

Sections 3(c) and 13(b), which may conveniently be grouped together, provide that the state governors shall have no voice either in the state legislative decision to apply for a "convention" or in the ratification by the state legislature of such proposals as come out of the "convention." Except on the (rather questionable) assumption that Congress has power to fix the law on these matters, these provisions are nullities. On that assumption, the provisions embody strange policy choices indeed. The amendment process is the most solemn one in our government; in it we discern ultimate power. Why should Congress elect positively to ordain that each state is to take two crucial steps in that process without a safeguard—submission to the governor for possible veto—which would be necessary in the case of a bill regulating the working-hours of intrastate dog-catchers? The answer is simple, and not creditable to the draftsmen of the bill. Governors are elected statewide; no gerrymandering or other finagling can prevent their being responsible to the whole people of the state. Something roughly—though only very roughly—like the democratic principle would be introduced if the governor had to approve. Governors, too, are likely to be people of relatively high intelligence and prestige. Their actions are visible. What is wanted, obviously, is to make the Constitution of the United States amendable by the all-but-anonymous sole action of the membership of the state legislatures, with no check of any kind. Do the state legislatures, as we know them, really deserve such confidence?

I have already pointed out the futility of Section 6(a), where the attempt is made to make it the "duty" of the Houses of Congress to call a convention of a prescribed form, whatever the current judgment of Congress may be as to the obligation resting on Congress, or as to the wise manner of constituting such a convention. One other thing needs to be mentioned about this section: it provides for issuance of a convention call by "concurrent" resolution, eliminating the step of submission to the President and possible veto. Now if anything is absolutely clear, on the face of a constitutional text (Article 1, § 7) not calling for interpretation, it is that "*every* Order, Resolution, or Vote to which the concurrence of the Senate and the House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill." The excuse, presumably, for this bypassing of the President would be the 1798 case of *Hollingsworth v. Virginia*, where (in an opinion which can be seen, by anyone who cares to look at the report, to be inadequately reasoned), the Court held that a constitutional amendment, originating in Congress, *and passed by the same two-thirds as is needed to override a veto*, need

not go to the President. Whatever reason can be given for this decision obviously has no application to the calling of a convention by *simple majorities* in both Houses: there is not the shakiest ground for holding such a measure unamenable to Presidential veto, under the plain language of Article I, § 7. It is astounding—or, I should rather say, it ought to be astounding—that people who dress themselves up as strict-construction constitutional textualists are without shame in putting forward such a proposal.

When we reach Section 7, we are startled to find that "a convention called under this Act shall be composed of as many delegates from each State as it is entitled to Representatives in Congress."

Can it be that the popular principle is actually to be represented—that some precaution at some stage is to be taken to ensure that amendments are supported by at least a majority of the people? No, we should have given Senator Ervin more credit than that. Section 9(a) clears up the puzzle:

"In voting on any question before the convention each State shall have one vote which shall be cast as the majority of the delegates from the State, present at the time, shall agree. If the delegates from any State present are evenly divided on any question before the convention, the vote of that State shall not be cast on the question."

So, on *both* proposal *and* ratification, California and Alaska have an equal voice. California gets more expense-paid junkets; that is the only genuflection the bill makes to democracy. The arithmetical effect is utterly startling; even if no populous states lost their votes by a tie among their delegates, an amendment could be proposed by delegates representing perhaps 15% of the American people!

Section 7(a) goes on to provide, "Each delegate shall be elected or appointed in the manner provided by State law." The state legislatures, having procured the summoning of the "convention," are to fix the manner of selecting delegates to it. No limits are set. They may be "elected," or, perchance, "appointed," by somebody unspecified. Nothing would prevent the state legislatures from quite dominating *this* phase of the process.

Sections 12 and 13(a), together, create a puzzle. Section 12 flatly provides for ratification by the state legislatures. Section 13, belatedly, refers to Congress' option to provide for ratification by conventions in the states—but puts their "rules of procedure" under the State legislatures:

"For the purpose of ratifying proposed amendments transmitted by the States pursuant to this Act the State legislatures shall adopt their own rules of procedure except that the acts of ratification shall be by convention or by State legislative action as the Congress may direct. All questions concerning the validity of State legislative procedure shall be determined by the legislatures and their decisions shall be binding on all others."

It would undoubtedly be contended that this means that the mode of selection of the conventions is in the legislatures' hands. It is the foolishness of this that is its most conspicuous characteristic. Why hold conventions if they are to be under the domination of the very legislatures to which they are the constitutional alternative? The same question, rephrased, seems to settle the connected constitutional issue: why should Article V have given Congress the option of providing for ratification by conventions, if the legislatures thus to be bypassed were to control the conventions? Such an absurd reading of Article V cannot be right.

Summarily, what this bill tries to do is to strap the Constitution down for such operations as the state legislatures, acting alone and without any check by anybody representing the nation as a whole, might wish to perform. It would make it possible for national constitutional amendments simply to steal upon us, by local votes cast on local considerations. The bill is anti-national to the core. It traduces every sound theory of federalism. It carelessly jettisons all thought of checks and balances. The fact that it is in the end a futility—that subsequent Congresses need not and could not think themselves bound by it—should not blind us to its dangers. If it were to pass, it would constitute a symbolic victory for the ultra-right, which can still make a kind of showing in the state legislatures that it cannot make anywhere else. And it might be used to make it appear, though falsely, that some Congress of the future, exercising its own judgment as it would be duty-bound to do, was violating the standing law.

Let us hope that S. 2307 is sunk without a trace.

[From the St. Louis Post-Dispatch, Oct. 30, 1967]

OMITTING THE PEOPLE

A Senate Judiciary subcommittee begins hearings this week on one of the most important yet neglected aspects of constitutional law. The question is how Congress shall create a Constitutional Convention if the states require one.

At the moment nobody knows the answer, because there has never been such a convention, nor any ground-rules for one. But the matter is urgent because 32 states have asked for a convention to upset the Supreme Court's one man, one vote rule for state legislative apportionment. This states' rights drive seems at stalemate, yet if only two more states petition Congress, that body will be faced with the demands of establishing immediate precedent.

Senator Ervin, chairman of the subcommittee on separation of powers, rightly argues that it is better for Congress to decide the issue now rather than to wait for an emergency. The North Carolinian has introduced his own bill as a tentative basis for hearings. His purpose is praiseworthy but his bill should, we think, be no more than tentative. It would give the states, rather than the people, full control of the amending process.

The Ervin bill, S. 2307, contains some sound provisions. Principally, it forestalls the dangerous possibility that a convention summoned by the states could attempt to rewrite the entire Constitution. The bill does this by requiring the states to propose particular goals for amendments, and by permitting Congress to disapprove the results if they exceed these purposes.

Moreover, the measure allows states to rescind petitions once adopted. The authority to do this has never been clear. This proposal would deprive the reapportioned Missouri Legislature of an excuse for failing to rescind the malapportionment petition adopted by the malapportioned 1965 Legislature.

However, the Ervin bill does not require a Governor's signature on state petitions; it leaves these to the legislatures alone. In short, the rules for seeking to amend the Federal Constitution would be weaker than the rules for passing a state traffic law. The Governor, as the one state official representing a state-wide majority of the public, would be left out of the picture and so, very likely, would majority opinion.

But the most serious error of the bill, from the standpoint of popular government, is the plan to give each state one vote in the Constitutional Convention—regardless of the state's population. Nevada would have as much to say about the nature of the convention's work as New York. In theory, at least, the 26 smallest states could determine the results, though they represent only 17 per cent of the American people.

The Ervin bill leaves the whole amending process to the states or, more specifically, the state legislatures. Under the Constitution, two thirds of the states may invoke a Constitutional Convention (though they, indeed, might have less than a third of the national population), and three fourths of the states may ratify a proposed amendment.

If the individual states, through their legislatures, also dominate the convention, then the legislatures are in full control of the initiation, the deliberation and the final ratification of changes in the Constitution. We doubt that state legislatures are held in such high regard that the general public would entrust them with tampering with the rules of national government, the Bill of Rights or anything else in the basic charter of the Union.

Somewhere in the amending process there must be a voice for the people based on fair representation. Congress has represented that voice in the amending process in the past. If a convention is called, it must be fairly apportioned. The reasonable way to do it is to apportion convention delegates to the states on the basis of population, and to give each delegate, not each state, one vote.

The Ervin bill omits the people. While Senator Ervin called the hearings to establish a needed precedent, the need is grave enough to demand a sound and lasting one.

THE NATIONAL HEALTH CRISIS AND THE MEDICAL BRAIN DRAIN

Mr. MONDALE. Mr. President, Tuesday's Washington Post contains a story, "Nation Is Warned of Health Crisis," which deserves the attention of every Senator.

This report by Thomas O'Toole summarizes a report to President Johnson by the National Advisory Commission on Health Manpower. It describes a national health crisis that, according to Mr. O'Toole's report, will worsen unless there is a sweeping reform of our national health effort.

One portion of the story, Mr. President, deals with a problem in which I have a special interest. According to Mr. O'Toole, one of the recommendations of the Commission is that the Nation should—

Gradually disapprove and phase out the Third Preference part of the immigration law that each year admits 7,000 new foreign medical graduates into the U.S., where almost 20 percent of all new medical licenses given each year go to foreign-trained doctors. Not only are these doctors poorly trained by U.S. standards, claims the Commission, their entry into the U.S. represents the "worst kind of brain drain" in the world today.

For 2 years, Mr. President, I have tried to focus attention on this deplorable aspect of the brain drain from developing countries. The opportunities for health and even life leave many of the developing nations of the world along with medical personnel who migrate to the United States. The richest nation in the world is not providing enough physicians for its people.

I cannot believe it must be this way, and I cannot believe we can tolerate this continual theft of critical medical talent from nations where chances for health and growth depend on that talent. The brain drain from developing countries in medicine is a national disgrace.

Mr. President, I ask unanimous consent that this timely article from the

Washington Post be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NATION IS WARNED OF HEALTH CRISIS

(By Thomas O'Toole)

The Nation is in the midst of a "health crisis," said a presidential commission yesterday—one that will worsen unless the country undertakes a sweeping reform of medical schools, hospitals, heath insurers and even the way doctors themselves are licensed to practice.

The crisis we find ourselves in, said the National Advisory Commission on Health Manpower, whose 15 members (eight of them doctors) have studied the status of health services since May, 1966, is one brought on by a lack of leadership and an unwillingness to change within the health establishment.

The results, said the Commision yesterday in a report to President Johnson, are long waits to see a doctor, hurried, impersonal attention once the patient is seen, a shortage of hospital beds and services, uneven distribution of care and costs rising sharply "from levels that already prohibit care for some and create major financial burdens for many more."

To challenge this "crisis of care," the Commission recommended no fewer than 58 major changes in the way the U.S. health care system is to work. And while asking for voluntary acceptance of its proposals, the Commission nonetheless indicated they might have to be enforced

"Unless these changes are accomplished more quickly than has ever been possible in the past," the Commission warned, "a more serious health crisis is inevitable."

Among its 58 curatives, the Commission prescribed a few sure to stir controversy for years to come:

For doctors and dentists: Back-to-school refresher courses or periodic examinations for renewal of their licenses to maintain their skills and guard against malpractice and "unnecessary or overly expensive tests and treatments" by some.

For hospitals: Financial rewards for efficiency and quality care sufficient enough "to make it unprofitable for a hospital to reduce quality and community service just in order to lower costs."

For health insurance organizations: Encouragement to revise their payment procedures to share savings with hospitals and individual physicians who demonstrate medical ability.

For medical and dental schools: Incentive grants to those who raise their output of doctors and dentists and a denial of funds to those who do not.

For medical and dental students: direct financial aid over their course of study, internship and residency, with an option to repay the loans over a long term or through direct governmental service, either in the military, Public Health Service or a Poverty Corps for doctors.

While these last two recommendations are clearly to increase the supply of health professionals, the Commission insisted they were made to meet future needs and expansion.

"The crisis at the present time," it said, "is not simply one of numbers," to raise the number of practicing doctors, dentists, nurses and auxiliary personnel. "We must first improve the system through which health care is provided."

One way to improve the health care system, recommended the Commission, would be to draft doctors through the communities where they work instead of through their own home towns.

So outdated is the present method of Selective Service that it has left some towns with overnight doctor shortages. Not long ago, a Commission member said, Vanderbilt University Medical School was left without a Pathology Department, when its seven-man staff (from seven different states) was drafted all at once.

Perhaps the best way of upgrading the health care system, the Commission said, would be through what it calls a "peer review" system, certain to be one of the most controversial of the Commission's proposals.

What the Commission would like to see in the U.S. is a series of review boards, at the city, county and state levels, at the hospital level, and at the health insurance organization level.

In effect, these review boards—made up of prominent physicians and health officials—would demand that doctors and hospitals account for their actions.

Besides peer review, the Commission made other specific recommendations to improve the health care system. Among them:

Gradually disapprove and phase out the Third Preference part of the immigration law that each year admits 7000 new foreign medical graduates into the U.S., where almost 20 per cent of all new medical licenses given each year go to foreign-trained doctors. Not only are these doctors poorly trained by U.S. standards, claims the Commission, their entry into the U.S. represents the "worst kind of brain drain" in the world today.

Give the highest priority to improving health care for the poor and needy. "No clear-cut solution for care of the disadvantaged has been developed," the Commission concluded. "We urge that experimentation be markedly expanded with recognition of the special problems of this segment of the population."

THE GREAT SALT LAKE

Mr. MOSS. Mr. President, in late October, Mr. Tom Tiede wrote a most derogatory article concerning Great Salt Lake which is perhaps the most famous physiographic feature of the State of Utah. Mr. Tiede is a feature writer of the Newspaper Enterprise Association, a Scripps-Howard Service, and he is based in New York.

Mr. Tiede has been described to me as a competent, even distinguished, writer, so I can conclude only that he was grossly misinformed.

Among the things which he said about Great Salt Lake are "it stinks," and "the shore, thousands of irregular miles long, is littered with garbage, carcasses, innertubing, rusting castaways and several million other objects which give off a sort of rotting stench."

He further said:

The water, what there is of it, is polluted with as much as 30 million gallons of sewage a day and, according to experienced natives, "it's like swimming in a septic tank."

Unquestionably, this is an extreme and prejudiced view based, I am sure, on gossip rather than personal observation. However, there is just enough truth in it that it cannot be branded total falsehood. Let me briefly comment on several of his allegations.

The Utah Water Pollution Committee states that there are 19 plants in 41 communities in the Great Salt Lake watershed now providing secondary treatment and effluent chlorination to serve a 638,000 population equivalent. These 19 plants discharge 110 million gallons per day of effluent into tributary streams of the lake such as the Jordan River, the Bear River, and the Weber River, or into irrigation and drainage channels, or, in the case of Salt Lake City, directly into the Great Salt Lake. This water is not "polluted."

There are five small communities providing no waste water treatment, serving a population equivalent of 1,160. These villages discharge approximately 100,000 gallons per day of untreated waste water into the Bear River and the Weber River, streams which flow into Great Salt Lake.

We can measure the progress made in recent years in combating the pollution problem by referring to the reconnaissance investigation of Great Salt Lake which was made by the National Park Service in 1959. I have referred to this investigation before in discussions of the proposed Great Salt Lake National Monument. The investigation team was sent from the Park Service regional office in Sante Fe.

Its report, published in November 1960, mentioned pollution as one of the difficult problems impeding development of the lake area. Here is a paragraph from that report:

During recent years, Great Salt Lake has been seriously affected by such activities as disposal of municipal wastes, industrial uses, and major construction projects. This presents a great problem in management and development if the maximum benefits from this great natural resource are to be realized.

The report also states that "pollution by both raw sewage and industrial wastes is one of the most serious difficulties."

Since that survey was made, 10 sewage treatment plants have been built. They are: Sandy, 1962; Salt Lake City, 1965; South Davis Sewer District, two plants, 1962; Central Davis Improvement District, 1961; Garland-Tremonton, 1963; Park City, 1966; Coalville, 1965; Magna, 1962; Tooele, 1967. Further, Logan is constructing a plant which will be completed in 1968.

Therefore, the pollution has been greatly reduced. But, since Great Salt Lake has no outlet, it is difficult totally to eliminate the problem, but untreated waste water is now down to about 100 thousand gallons per day discharged into tributary streams of the lake.

As to the statements concerning unsightly debris, it can be said authoritatively that none of this exists around Antelope Island or in sight of it.

It is also apparent from a National Geographic article of August 1967, that at least many areas of the other islands are clean. To say the shore is "littered with garbage" is not true. The beaches are clean and bare.

Frequent trips to Antelope Island this year have confirmed the fact that there is no pollution stink apparent around the island. Near the water, one is conscious of a somewhat acrid odor, which is unusual but not too unpleasant. This is thought to be caused by the brine fly, and is known to all Utahans as "the smell of the lake." I do not find this faintly pungent odor offensive. Nor did the hundreds of thousands of people who visited Saltair in its prime.

Any native Utahans who described swimming in the lake as being akin to immersion in a septic tank did not speak from personal experience or knowledge.

Today, the waters of the lake are clear, although salt laden, and are less polluted than they were when thousands daily swam from the bathing piers of Saltair, the area's most celebrated resort. The lake is cleaner; not more polluted. Shortly, we may be able to say that no untreated waste water flows into the lake.

Getting back to the 1959 Park Service investigation, it was noted that the falling water level has left famed Saltair high and dry. And the report said:

The beaches and boat harbor were unattractive and an atmosphere of apathy and decay prevails over much of the area.

But nowhere did it state that the beaches were littered with foreign objects. Moreover, the report also said this:

An excellent overall impression of the area was gained from an airplane flight over the lake.

The report identifies the areas which the reconnaissance team visited on the ground as: Stansbury Island, the two bathing beaches, Garfield boat harbor, Saltair, Farmington Bay and Ogden Bay State Bird Refuges, Bear River Migratory Bird Refuge, Promontory Point, Willard Bay, and Antelope Island.

It is true that a large smelting operation is located along a portion of the south shore of the lake, and that noxious odors sometimes emerge from that. And large quantities of smelter slag are piled not far from the shore. Moreover, on other portions of the shore, extensive developments are proceeding which will make it possible to take great tonnages of metals and chemicals from the brines. But such industrial development is hardly new to important bodies of water in the United States. Moreover, it is not unsightly or malodorous and it is remote from Antelope Island. It must be recognized that on a lake of the size of this one, the shores will be utilized for many purposes. The significant point is that there has been rapid progress in improving the area in the past decade. The lake is not only both scenic and interesting but affords potential industrial development.

It is regrettable that Mr. Tiede did not have an opportunity to study the facts and personally to observe more of the shoreline and surrounding areas.

FIREARMS LEGISLATION

Mr. DOMINICK. Mr. President, recently an article on the subject of the pending firearms legislation was published in the Denver Post. The article, written by Mr. Dick Thomas, is entitled "Gun Laws Challenged—Debate Heated on Congressional Firearms Control Measures."

The article is a good example and, I believe, is representative of the seriousness with which the citizens of my own State view proposed tight Federal Government restrictions on firearms.

Mr. Thomas questions, as did I in my testimony before the subcommittee earlier this year, the overemphasis on the part of the strong gun control advocates of a direct causal relationship between gun control and crime reduction.

In writing of the abuses by some of the use of firearms, he points out

These misused firearms total four-tenths of 1 per cent of all privately owned firearms in the United States if one assumes the total is 30 million, and that is probably low.

So the federal legislation is aimed equally at 99.6 per cent of the guns owned by people who respect the law as well as that fraction of 1 per cent that are used by criminals.

One of the things that have concerned me the most about the administration and Dodd proposals is well brought out by his statement that:

The disturbing thing about the bills is that they put virtually the same restrictions on sporting rifles and shotguns that they do on pistols and revolvers—the most common type of firearms used in crime.

Mr. President, this is one of the finer and more equitable newspaper presentations of the firearms picture that I have seen. It serves also to place in perspective some of the "guns are bad" philosophy of the administration and Dodd bills. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GUNS LAWS CHALLENGED—DEBATE HEATED ON CONGRESSIONAL FIREARMS CONTROL MEASURES

(By Dick Thomas)

An estimated 100,000 deer and elk hunters swarmed into the Colorado Rockies two weeks ago in an annual pilgrimage that pumps millions of dollars into the state's economy.

These men and women, engaged in the most common lawful use of firearms, tote a variety of ordnance that ranges from junk military rifles hardly safe to fire to expensive $300–$400 outfits that cost their owners another 40 cents every time they pull the trigger.

And some of them—usually through what amounts to criminal negligence—shoot other hunters. At the time this was written six such deaths had already been recorded.

This year's hunting season came at a time when the Johnson administration and a gaggle of Eastern lawmakers are making a concerted effort to enact one of the most all-encompassing firearms control bills ever before Congress.

President Lyndon B. Johnson, a deer hunter himself, observed recently that the pending legislation would "reach into every home in the land."

Like most politicians he probably overstated his case, but the basic idea is there.

President Johnson, appearing at the 74th annual meeting of the International Association of Chiefs of Police, was urging support for Senate Bill 1, which Sen. Thomas Dodd, D-Conn., has been trying to steer through Congress in one form or another for seven years.

Its cosponsors and most vocal proponents include two brothers of a slain president, Sens. Robert F. Kennedy, D-N.Y., and Edward M. Kennedy, D-Mass. Practically all the sponsors come from areas of heavy populations and high crime rates—New York, Miami, Boston, Philadelphia, Honolulu.

Ten state legislatures have gone on record as opposing the Dodd bill. They include Pennsylvania, Louisiana, Arkansas, Alabama, Michigan, Montana, Alaska, Kansas and two states that Lyndon Johnson knows well—Oklahoma and Texas.

It has been estimated that 30 million to 50 million Americans own one or more firearms, and a great many of them look upon that ownership as a part of American tradition dating back to pre-revolutionary times.

Frequently one of these gun-owning Americans shoots himself or another, accidentally or with criminal intent.

There were 2,600 accidental deaths in the United States last year from careless use of firearms and explosives, the National Safety Council said. About 800 victims were hunters, and more than 400 of them were killed by shotguns while in pursuit of small game.

There were 53,000 automobile deaths in the same period, 20,000 in falls, 7,900 in fires and 7,000 by drowning. Firearms and explosives death, meantime, were at the same level they were in the period 1913–1922, when the country's population was about half what it is today.

Thus the death rate rate per 100,000 Americans from careless firearms handling has shrunk from 2.5 then to 1.1 in several recent years. The 1962 total of 2,092 was the lowest in a half century.

There has been a marked decline in such deaths since the early 1930s, the National Safety Council said, with the most dramatic downturn coming in the years since World War II when millions of American men have been trained in firearms use.

More than 100,000 Americans a year use their own gun or someone else's in the commission of a crime. Some of them, Charles Whitman's shooting spree from the bell tower on the University of Texas campus at Austin, for instance, are dramatic proof of what a hunting rifle can do in criminal hands.

For reasons such as this, Justice Department officials and many police administrators support the Dodd bill and its counterpart in the House sponsored by Rep. Emanuel Celler, D-N.Y.

But this writer, for one, wonders whether the sponsoring officials really have a legitimate case against the guns themselves.

This writer is a gun owner, a hunter, a target shooter and a member of the National Rifle Association (NRA), but does not speak for the NRA in any capacity.

This organization, with 805,000 members, has been damned by some congressmen, newspaper and magazine editorialists and television commentators as a Minuteman-style outfit opposed to any meaningful firearms controls.

BOTH SIDES EXTREME

It has lately borne the brunt of criticism from the Dodd bill supporters, one of whom, an aide to Senator Dodd, likes to refer to "the apes in the NRA."

There are extremists on both sides of the issue, however.

Despite its denials, the NRA does constitute a very powerful lobby in Congress. Thirty congressmen are members. And two of its timeworn arguments against what it feels are harmful firearms controls are just that—time worn.

One is that the U.S. Constitution guarantees the right to keep and bear arms. This is true up to a point, but reasonable restrictions on individual ownership have been upheld in many court decisions.

Another is that registration laws lead to situations where authorities could seize every gun in the land. Action by authorities following the recent military coup in Greece and the Nazi armies' seizures in occupied countries during World War II are cited as proof.

These arguments aside, NRA policy on firearms controls, which many opinionmakers have never bothered to read or choose to ignore, can be found on page 17 of the May 1967 issue of its official publication:

"1. Amend the National Firearms Act by banning so-called 'destructive devices' such as antitank guns, bazookas and rockets.

"2. Strengthen state firearms regulations by providing federal cooperation at the interstate level.

"3. Increase penalties for crimes in which firearms are used.

"4. Ban all handgun sales to minors and require sworn statements of eligibility to buy and own pistols from buyers seeking handguns by mail order."

Those principles seem pretty clear. To the NRA's critics they are not nearly enough.

Robert Sherrill, a reporter for The Nation who had an article in the New York Times three weeks ago, urges that every firearm buyer be investigated down to finding out whether he or she is involved in a "passionate divorce case," and adds, in what the trade calls a sweeping generalization:

"The police chiefs of most of the nation's major cities would approve safeguards of this type."

CRIME IN STREETS

Even though he supports something a lot stronger than the Dodd bill, Sherrill opines that President Johnson is trying to draw attention away from the increasingly embarrassing Vietnam war with his domestic "crime in the streets" issue and:

"Nothing would please him more than to be able to sweep into the 1968 campaign waving a gun-control law, approved by Congress, to show he means business."

The Atlanta Constitution editorialized in September that "during the 13 months since this legislation was (most recently) introduced, guns were involved in 6,500 murders in this country, 10,000 suicides, 2,600 accidental deaths, 43,500 aggravated assaults and 50,000 robberies."

These figures, supplied by President Johnson, total 122,600.

In other words, firearms during those 13 months were used in 122,600 crimes—an amount equal to 3.77 per cent of all major crimes reported in 1966 by the FBI in its Uniform Crime Report.

These misused firearms total four-tenths of 1 per cent of all privately owned firearms in the United States if one assumes the total is 30 million, and that is probably low.

So the federal legislation is aimed equally at 99.6 per cent of the guns owned by people who respect the law as well as that fraction of 1 per cent that are used by criminals.

There are any number of scare tactics used by supporters of the Dodd-Celler bills to make what they call the "easy availability of guns" seem the dominant factor in the nation's rising crime rate.

LIST OF FACTORS

No such conclusion was drawn in the FBI's Uniform Crime Report last year.

Among the factors it listed as affecting the amount and types of crimes committed were population density, composition and stability; climate and seasons; economic, educational, recreational and religious factors; public attitudes toward law enforcement; the strength, standards and efficiency of local police departments; and policies of prosecuting attorneys and courts in local jurisdictions.

If guns were that important the FBI surely would have mentioned them.

The FBI report does note that "the over-all crime rate increase in 1966 was attributable for the most part to the continuing upward climb of crimes against property"—categories in which weapons of any kind are rarely involved.

The reported 10 per cent increase in murders includes justifiable homicides and all cases filed by police in which "willful killing without due process" was involved. It doesn't take into account those cases dismissed for lack of prosecution or those which ended in acquittal.

This particular statistic led to a Look magazine article entitled "The Shocking Rise in Murders" which again hit at the "easy availability of guns."

The NRA and its allies in Congress have always taken the view that firearms controls should be enacted that would impose stiffer penalties for the criminal use of guns.

The organization supported, in 1934, passage of the National Firearms Act which prohibits machineguns, sawed-off shotguns and other weapons that were then in the arsenals of Depression-era gangsters.

It also supported enactment in 1938 of the Federal Firearms Act, which regulates interstate shipment and importation of all firearms and ammunition.

The Dodd-Celler bills state that there is "a causal relationship between the easy availability of firearms and criminal behavior." This absurd statement is not even borne out by the figures supplied by President Johnson and FBI Director J. Edgar Hoover.

According to testimony before congressional committees, scores of shooting clubs, wildlife and sportsmen's associations and state game and fish departments feel Dodd and Celler are trying to swat a fly with a sledgehammer.

RESTRICTIONS RATED SEVERE

The disturbing thing about the bills is that they put virtually the same restrictions on sporting rifles and shotguns that they do on pistols and revolvers—the most common type of firearms used in crime.

Severe restrictions would be placed on surplus military weapons, thousands of which are used as is or converted to sporting rifles by hunters.

This certainly couldn't hurt Senators Dodd and the Kennedys with some of their more powerful constituents. Every major firearms manufacturer in the United States, save two, is located in Massachusetts, Connecticut and New York.

Yet the New England armsmakers also oppose the Dodd-Celler bills as too restrictive.

The State and Defense Departments, under the Mutual Security Act of 1954, may limit imports of arms, ammunition and "destructive devices"—the bazookas, antitank guns and other heavy ordnance items that NBC-TV made such a big thing of in a program titled "Whose Right to Bear Arms?"

Congress now is being asked to do legislatively what the administration has failed to do administratively. One Democratic congressman who doesn't like that aspect of the bills is Rep. Robert Casey of Houston, Tex.

DENVER INCIDENT CITED

"I—for one—am getting just a bit tired of this Congress being made the whipping boy for failure of these departments to act under the ample authority granted in existing law," he told the House Judiciary Committee.

A textbook example of such failures to enforce existing law occurred in Denver five years ago.

There is a city ordinance that requires any gun purchaser to fill out an information form provided by the dealer, which is then turned over to police for an after-the-fact background check of the buyer.

One man who provided that information was Michael John Bell, then 26, and now on death row at the State Penitentiary in Canon City.

Like most felons who wind up killing a policeman, Bell had a long criminal history.

Twice a parolee from the Kansas State Industrial Reformatory at Hutchinson and once an escapee from the Kansas Penitentiary at Lansing, he was returned to Lansing in late 1958 on concurrent sentences of 5–15 and 1–5 years for auto theft and escape.

Officials at the prison rated his chance for rehabilitation as "very doubtful." But he was a good conduct prisoner and won his parole on May 3, 1962. This was 13 years after his first trouble with the law.

In Denver the following August Bell bought an Italian-made .32 automatic and signed his own name to the dealer's information form. Two weeks went by before Denver police came across the information.

The following day, Sept. 7, the State Parole Division was notified. At this point Bell had already violated Colorado law regarding possession of firearms by felons and the terms of his Kansas parole.

He was reporting regularly to a Colorado parole officer, John D. Stanley, under the terms of the Interstate Parole Compact. It was three days, however, before Bell's regular visit to Stanley was due. He wasn't brought in sooner even though it was now known he had a gun.

On Sept. 10 Stanley questioned him about it. Bell said he had sent it to a sister in Kansas.

If that were true, it would have been a clear violation of the Federal Firearms Act. Nevertheless Stanley let Bell go.

Two days later Bell pumped four bullets from a .38 revolver into Patrolman Carl Bernard Knobbe, 39, when the officer caught up with him after a Colorado Blvd. service station robbery. Bell had bought the .38 after his visit to the parole office.

KILLERS HAVE RECORDS

A seven-year analysis of 335 police murders by the FBI shows 76 per cent of the 442 suspects arrested in the killings had been previously arrested on criminal charges.

Thirty per cent—Bell was one of them—were on parole at the time they killed policemen.

"The problem, gentlemen," said Representative Casey, "is crime—and the criminal. It is particularly the repeat offender who uses firearms to rob, rape, assault and murder."

The Dodd-Celler bills would:

Ban all mail-order sales of pistols, rifles and shotguns to individuals. Rural Americans for instance, would no longer be allowed to buy a shotgun out of the Sears or Montgomery Ward catalog. Nor could a Lee Harvey Oswald buy an assassination rifle from Klein's in Chicago.

Severely limit imports, including a man's right to bring back into this country a rifle he had previously taken out. He would have to establish to the satisfaction of the Treasury Department that it is, in fact, the same gun. This raises endless possibilities for a person who drives out of the United States into Canada, then into Alaska to hunt, and back through Canada to the contiguous states after the hunt.

Make it a federal crime to go into another state, buy a gun and bring it back home. If there is a law in your own state or a local ordinance at home that prohibits such imports. Thus if a Cheyenne resident came to Denver to buy a gun not available at home and there was a Cheyenne ordinance against his buying it, he would be subject to a federal charge whether or not he was aware of the local ordinance. No one would be able to buy a handgun except in his own state.

Give the Treasury Department broad discretionary powers in formulating regulations to implement the act.

End all sales of surplus U.S. government small arms and ammunition to members of NRA-affiliated shooting clubs. (More than 500 of these clubs are exclusively for policemen and law enforcement officers.)

MANY BILLS OFFERED

The National Rifle Association is on record many times in support of federal legislation to cover such men as the Appalachian mobsters or a Michael John Bell.

There is no question that an illegal firearms traffic exists and that it contributes to crime, but not nearly in the proportions that Dodd-Celler bill supporters would like us to believe.

There is no question either, if recent opinion polls are accurate, that many present gun owners would not object to reasonable controls. But the kind of controls is the governing factor.

Organized sportmen's groups and the NRA don't want the kind that New York has, or that New Jersey recently enacted or that Philadelphia recently passed in ordinance form.

Anyone lucky enough to get a gun permit in New York—it takes months of time and a $20 application fee—subjects himself to periodic police visits to his home to "inspect"

the firearm. He pays a $10 annual renewal fee for the license.

And if he wants to hang grandpa's old shotgun over the mantel in the den, he better do it while grandpa's still alive. When he dies his guns will be seized and dumped in the ocean. They are forbidden to become part of his estate.

Advocates of the Dodd-Celler bills like to say a gun's primary purpose is to kill (true) and the implication is there that its only purpose is to kill people (false). Millions of them are never used that way.

The whole issue has gotten out of perspective.

ADDRESS BY SENATOR SMATHERS BEFORE ALUMNI OF UNIVERSITY OF MIAMI LAW SCHOOL

Mr. HOLLAND. Mr. President, there has been much public controversy over our role in the Vietnam war. Indeed, we have seen the dissent over our conduct of the war reach unprecedented heights in this country.

My colleague, the distinguished junior Senator from Florida [Mr. SMATHERS], addressed himself to the problem of dissent in a speech he delivered to the alumni of the University of Miami Law School. Appropriately, his remarks were made on November 11, 1967, Veterans Day, which we used to call Armistice Day.

Because I believe that my colleague's exceedingly capable comments on that occasion are of value to this body, I ask unanimous consent that they be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

SPEECH BY SENATOR GEORGE A. SMATHERS TO UNIVERSITY OF MIAMI LAW SCHOOL ALUMNI, NOVEMBER 11, 1967

The serious problem that dissenters present to American society should concern all of us as lawyers and as American citizens.

One distinguished lawyer, Lewis F. Powell, Jr., of Richmond, former president of the American Bar Association, thinks that the epidemic of dissent today is almost a prelude to revolution.

I concur that dissent has reached ridiculous proportions and that many people are unaware of the consequences of their actions.

Some clergymen today are openly counseling young people to ignore the draft laws.

Some professors have come out for the preposterous stand that it is *permissible* to ignore or disobey what they believe "unjust laws."

Fortunately, even the Supreme Court has recognized the folly of this kind of conduct.

As Justice Black pointed out in 1966, "The crowd moved by noble ideals *today*, can be the *mob* ruled by hate and passion, and greed and violence tomorrow . . ."

In other words, dissenters have forgotten that this is a Nation built upon the rule of law.

And they forget all too conveniently that the law is their protection and shield. They are unwilling to realize that when they tolerate a growing atmosphere of lawlessness, they endanger that prospective bulwark, which shields them.

But, the law does not now—and should never—proscribe peoples' right to discuss, cuss, criticize, or dissent, and today we see these rights being exercised to the fullest.

There is raging throughout our land an acrimonious debate as to whether this Nation's stand in Vietnam is the right one.

And, as the bombing escalates, as an ever-increasing number of targets are hit, as more and more of our jet planes are shot down, as the casualties mount, and as the unpleasant threat of a tax increase to finance the war crowds around us, the anguished cries of doubt and dissent grow louder.

Criticism of policy, and even personal abuse, is being directed at those, who, under our constitution bear the clear and final responsibility for our actions in foreign policy, *generally*, and in Vietnam, *specifically*.

And, yet, those who disagree with our policies and express their dissents have an unquestioned *right* to speak out, to criticize, to disagree; for that is guaranteed under article I of the Constitution of the United States.

It is axiomatic that freedom of speech is one of the basic rights of free men, and it should always be.

But, as I see it, the question facing Americans today is not whether one has the right and the privilege to dissent, but *rather*, whether those who exercise that right, with respect to our policies in Vietnam, help or hurt the national interests of their country.

The Constitution clearly sets forth all of our fundamental rights but for every one of those rights, there is, I believe, a concurrent duty to exercise that right as responsible, intelligent and prudent citizens.

All lawyers remember the classic remark of Justice Holmes when he said that freedom of speech does not confer upon a man the right to walk into a crowded theater and scream fire. For to do so would obviously endanger the lives and rights of *others* and would be an act of irresponsibility.

In this same vein, those who exercise the right of dissent with respect to Vietnam must ask themselves as responsible citizens several questions.

Is this criticism and dissent contributing to the best interest of our Nation?

Is this dissent directly or indirectly endangering the lives and well-being of others? For example does it help or hurt our soldiers, airmen, and Marines, who are in Vietnam, performing a duty thrust upon them by the requirements of their Government?

In trying to analyze where one's rights of dissent should be self-curtailed, by an equally well developed sense of responsibility and prudence, it might be helpful to examine briefly the facts regarding our involvement in Vietnam.

It is accurate to say that we are in Vietnam because of a program and policy first outlined by President Harry Truman in 1947 when he said, and I quote, "I believe that it must be the policy of the United States to support free peoples who are resisting attempted subjugation by armed minorities, or by outside pressures."

That policy came to be known as the policy of containment—containment of aggressive communism.

That policy has been upheld by every President of the United States since 1947 and by at least 95% of the Members of the United States Congress.

I recall vividly, as I am sure many of you do, that President Kennedy, speaking on the Capitol steps in his inaugural address in 1961 said, and I quote, "America is willing to pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, in order to assure the survival and success of liberty."

That announcement on *that* day was *applauded* and *approved* by all; including those who are today vociferously criticizing that same policy.

It was the beginning of the policy of containment that led us to send General Van Fleet of Bartow, Florida, and many of our men, to fight shoulder-to-shoulder with Greek patriots in order to save Greece from encroaching communism.

It was that policy which put our men, our power, our money, into Turkey and thereby saved Turkey from communism.

It was that policy which gave birth to the Marshall plan by which we committed over $60 billion of American money to save Europe from communism.

It was that policy which nurtured the NATO treaty which today requires us to keep over a quarter million troops in Europe at an annual cost to American taxpayers of over $7 billion, all for the purpose of guaranteeing the freedom of Europe, against the 90 divisions of *Communist* troops which are quartered just inside the Iron Curtain.

It was that policy of containing aggressive and expanding communism—(which has worked out so well in Europe—) *that* led us into a *defense of Korea in 1950*.

And, even when the armistice was signed in that war, the then President, General Eisenhower, pledged this country to a mutual security treaty which required us to defend Korea against further aggression. *Remember* the United States Congress ratified overwhelmingly that pledge of security with only one no vote. We have today over 50,000 of our soldiers in Korea, and it is that 50,000, which restrains the Red Chinese from plunging across the 38th parallel to take all of Korea.

In 1954, when the French were driven out of what was then known as French Indochina and suffered a defeat at Dienbienphu, it became clear to those who were "Asia watchers" that without the French in the area, the Chinese Communists would move eastward and southward, and inexorably, take over all of that vast area of the world, with some 300 million people—if they were allowed to move unchecked.

John Foster Dulles, our then Secretary of State, believed as did President Eisenhower and practically all of the Members of Congress in the validity of the policy of containment.

And, so, we entered into a treaty in 1954 with seven other countries in Southeast Asia, the terms of which provided that if any one of the countries needed help from any one of the other countries that help must be provided. This came to be known as the SEATO pact.

It was ratified by the U.S. Senate by a vote of 82 to 1. Again, I remind you that some who speak out most vehemently against our actions in Vietnam today were the leaders in getting the SEATO treaty with its contracts and commitments accepted by the U. S. Senate.

The then Government of South Vietnam was under control of a Catholic monarch by the name of Diem. He called upon this government for assistance in his fight against, not only communism within his own country, but that from North Vietnam. It was President Eisenhower's decision—once again approved by the leaders of the Congress—that we should send assistance and aid and provide military advisors.

In 1961, when President Kennedy came into power, there were less than 2,000 military advisors in South Vietnam, but because of the increasing pressures of the Communists, Diem asked for additional assistance—and President Kennedy, with the approval of the Congress, upped the number of military advisors to well over 19,000.

Thereafter, when President Johnson came in in 1963, it is only fair to state that he inherited an already sticky, messy and unwanted problem.

As the stakes have been raised and the pressure built-up by the Communists, we have responded with the necessary men and materials.

In 1964, when our ships were operating in the Gulf of Tonkin and fired upon by North Vietnamese PT boats, our people were so outraged that the Senate Foreign Relations Committee brought out the Tonkin Resolution which not only recommitted

our Nation to the principle of providing assistance to small countries who asked for assistance, but it also authorized the President of the United States to *use such forces* as he deemed necessary in order to protect the integrity of South Vietnam, and advance our own national interest.

This resolution was adopted by a vote of 88 to 2, it was applauded by the press and the people of the Nation.

And, so, in 1966 and 1967, war goes on—it has gotten difficult.

It has begun to cost more in money and lives than we thought, and it is *now* that some—upon further reflection—think we should adopt other courses and policies.

Thus, we have criticism and dissent. Some from the left—some from the right—most from general frustrations.

Disraeli once said—"It is easier to be critical than to be correct."

Those who have the responsibility of *decision making* cannot afford to be critical. They *must be* constructive."

The proposed solutions by those who do not have responsibility range all the way from dropping the atomic bomb, on the one hand, to abject total withdrawal on the other.

I don't have time here this morning to go into these various proposals, but suffice it to say that there is no man in the United States, and possibly none in the world, who has as much desire to see us get out of South Vietnam as does the President of the United States.

For this President knows one thing above all else, that his reputation as a President, that his mark in history will be made, on how well or how satisfactorily, he can bring the war in Vietnam to an honorable solution.

And, it has been because of his desire for this type of honorable, negotiated settlement that we have seen five bombing pauses, none of which resulted in anything other than a build-up by the other side; 28 direct approaches to negotiate; at least one personal letter to Ho Chi Minh from our President—rejected out-of-hand efforts by the British to reconvene the Geneva Conference; efforts to get the U.N. to act—an unbelievable variety of other approaches—none of which have succeeded.

The old expression used to be "it takes two to tango."

I might add it also takes two to negotiate. It takes some willingness on both sides to sit down and talk, *if*, there is to be a conference.

But not we, nor our allies, can get any cooperation in this field of negotiation.

Why? Because they say they are going to win. Yes win.

Yet at this point, the Communists *know* they cannot win a *military* victory.

But they remember how they beat the French in 1954.

They remember that they actually won *back home;* when the French people, tired of the exertions; the loss of lives; the expenditures of money; and then the battle of Dienbienphu; allowed all the resolve to drain out of them, and they simply quit.

I don't know of any responsible person in America who wants that to happen to us—and, I am here today to say it won't.

We have now unmistakenly proven they cannot win militarily, and by the same token that we can.

However, our policy is not to beat anybody. We don't want anyone else's land, or to capture any peoples or to increase our obligations anywhere. We merely want to live up to our commitment and to save South Vietnam for whatever course it chooses to follow.

Therefore, we have a policy of limited warfare; limited in order not to provide the Soviet Union or Red China with any easy excuse to become participants in Vietnam. But at the same time to keep pressure mounting on the Communists—to where they will see no future in fighting—only choice to negotiate.

So what does the hue and cry of the dissenters here at home do?

Well, frankly, it hits a devastating blow at our policy.

The news media invariably give wide ventilation and publicity to those who criticize their country's leadership and its policies.

Each dissent is quickly disseminated to the Communist capitals throughout the world.

I wish I had time to show you recent clippings from the Communist press commenting upon speeches by Members of Congress who have criticized our Nation's policy.

This criticism—this dissent, and the manner in which it is *misrepresented* and *manipulated* by the Communist propagandists, encourages the North Vietnamese to think that they are winning.

Just last week, Radio Hanoi announced it was forming a "peoples' committee" to work with Americans in demanding that the United States Government put an end to its "aggressive war in Vietnam."

All during the same week, statements from Hanoi and Peking paid glowing tribute to riots and demonstrations in American cities.

During the march on Washington, the China News Agency commented that "Johnson himself was so seized with fear that he stayed in the White House all day. . . ."

Hardly a speech is made or an editorial written that is not picked up by the Communist propaganda mill.

For instance, the Hanoi radio has misquoted both Senator McCarthy and Senator Case to claim that there was open and widespread revolt on all college campuses throughout the U.S.

This encourages Ho Chi Minh to state publicly and repeatedly that there will be no settlement in Vietnam; that the only solution is a complete and total capitulation by U.S. and our allies.

He believes that our people are rapidly losing patience; that we are divided; that we are losing heart—and we will withdraw and surrender—one way or another—if they just keep fighting. General Giap said "Americans have no patience. Their morale is lower than the grass."

A few weeks ago, Premier Pham Van Dong of North Vietnam described American antiwar demonstrators "as companions in arms. The Vietnamese people thank their friends in America and wish them great success in their mounting movement." And so it goes!

I was heartened two weeks ago when a new group entered into the debate, President Eisenhower, President Truman, General Omar Bradley, Lewis Strauss, Senator Paul Douglas, and many other distinguished Americans, to counterbalance, as they said, the voices of dissent. They were disturbed by the fact that the Communists were *misreading,* and *misrepresenting* our dissenters.

So, surely we have the right to dissent and we will protect that right even to the extent that it becomes a march on the Pentagon, or burning draftcards or spitting on the flag.

The question each individual must decide for himself is where does his individual right to dissent come in conflict with his responsibility to not hurt the long-range best interests of his country?

In the State of North Carolina, they have a sign on their highways, on which is printed only a five-letter word. Its letters spell "Think."

The State Bureau of Roads in North Carolina tells me that these signs have reduced to a significant degree the number of accidents; the numbers of speeders; and the number of mistakes in judgment by motorists.

That word "think" is a good word for many occasions.

It seems to me it is a particularly appropriate word for the situation in which we now find ourselves.

For we Americans are an impetuous and impatient people. We have never been known to sit back and wait, for we like action. We are outspoken; we are spontaneous. We want solutions to all of our problems and we want them now.

Yet, I know of no citizen who wants to directly or indirectly make the job that our leaders, and our boys are doing in Vietnam more difficult. I know that our citizens are loyal and patriotic to the core, *but,* it does seem to me that in this critical and difficult situation in which we, as a Nation, find ourselves, the time has come for us *before speaking,* in criticism or dissent—to stop—to pause—and remember this phrase: "think."

ADDRESS BY SENATOR TYDINGS ON INTERGOVERNMENTAL RELATIONS BEFORE SOUTHERN GOVERNORS CONFERENCE

Mr. MUSKIE. Mr. President, there is growing awareness of the need for States to regain their position of more equal and responsible partners in our Federal system of government.

The distinguished junior Senator from Maryland recently discussed the role and problems of the States in a speech to the Southern Governors Conference.

I wish to commend Senator TYDINGS for his interest in Federal-State relations, and his concern for the future performance of State governments.

In his remarks, Senator TYDINGS refuted the popular myths that the Federal Government has stolen power from State governments, and that Federal taxes have dried up the financial resources of the States.

He went on to describe the need for modernization of State government administrative structures and of outdated restraints on the performance of the Governors, as well as the need for revision of State constitutions, improved pay for State employees, and other improvements.

Senator TYDINGS' remarks were of special interest to me because of our continuing review of the Federal system in the Subcommittee on Intergovernmental Relations. I ask unanimous consent that his remarks be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

STATES AT THE CROSSROADS: THEIR FUTURE IN OUR FEDERAL SYSTEM

(Address by Senator JOSEPH D. TYDINGS to the Opening Session of the Southern Governors Conference, Asheville, N.C., September 11, 1967)

DECLINE OF THE STATES

I am pleased to have been asked to address this conference session on "Federal-State Relations," because I believe we are at a critical crossroads in the development of our national governmental structures. We have experienced a long period of growth in the importance of the federal government and a decline in the influence of the states in our political system. Senator Dirksen suggested a few years ago that we might soon see the day when "the only people interested in state boundaries will be Rand-McNally."

I believe that the decline of the states in our federal system is very dangerous, but completely unnecessary.

The decline in the role of the states is

dangerous because it violates the sound principle of our Constitution that state government should stand as a shield between the citizen and the central government.

The decline of the states as effective governmental units also jeopardizes quick and flexible government action to provide the services needed at the community level. This country is simply too big and too complex to be administered at the local level from Washington.

But the decline of the states need not continue if states will take advantage of the means readily at hand to rebuild their role as responsive and responsible units of government. In fact, the great movement toward redressing the state-federal balance has already begun in some of our states: not by enacting sterile writs attempting to annul the changes time brings in our national life, but by the much more difficult and infinitely more productive route of modernizing the machinery and methods of state government to meet the challenges of this closing third of the twentieth century.

Because I ardently believe the states can save themselves if only they will modernize, I want to talk to you briefly about what one U.S. Senator, who spent six years in his own state legislature, thinks the states can and must do to regain their place in the federal system.

MYTHS AEOUT FEDERAL-STATE RELATIONS

Let us at the outset dispense with two popular myths which can only obstruct a rational and effective revival of the state role in the federal system.

The first, phoniest, yet most frequently perpetuated myth is that the federal government in Washington has somehow "stolen" state government powers. If only the federal government would dismantle itself, this myth has it, the states will rise again.

The truth is that the states have ceased to function as effective partners in the federal system primarily because too many states too frequently have simply refused to function at all to meet the increasingly complex and costly public problems of their citizens. As the British learned during our own Colonial history, when a government ceases to respond to the needs of those it governs, those citizens will sooner or later simply shove it aside.

There is no inescapable logic of history or economics which makes education, air and water pollution, urban renewal, mass transit, housing, medical care, or adequate law enforcement the concern of the federal government. But in the first year I served in the Senate, Congress enacted programs in all these areas. We did not vote for these measures because we covet more power for Washington. The hard fact is that our constituents—who are your constituents too—were demanding action to meet these problems; and the states, for the most part, had failed to act.

Those who criticize "Washington" for interfering with "States rights" should first consider whether the federal government would have acted at all if the states had fulfilled their own responsibilities in these and other areas of proper state concern.

There do remain corners of America in which demagogues can gain office simply by playing on fears of "Big Government" and "Washington Bureaucrats," but there are few places where it is a liability to have voted for the federal Elementary and Secondary Education Act, the federal Air and Water Pollution Control Act, or any of the rest of the score of programs the federal Congress has recently enacted to meet problems most states have simply refused to face up to.

Political leaders in a healthy democratic system will always disagree on details and sometimes on programs, but the basic constant in American democratic life continues to be that the people must be served. And if the people of this country must by-pass the states and go to Washington for help, history has abundantly demonstrated that they will.

The federal government did not "steal" state power. In most cases, the states just gave it away.

A second myth which precludes rational discussion of the balance of power in the federal system is the notion that federal government has preempted all the tax dollars. The hobgoblin of the federal money-hoarder is frequently and falsely cited as an excuse for state inaction on problems their citizens then bring to Washington.

The fact is that the burden of federal taxation is no excuse for state inaction. The federal budget and taxing power simply have not preempted either the tax resources of the country in general or the income tax resources in particular. Even with the enormous defense budget—swollen $30 billion a year by the war in Vietnam—federal reserve receipts from all sources represent a scarcely greater percentage of the gross national product today than at any time since World War II. Although social security taxes have increased, federal excise taxes have been cut, and federal income taxes were reduced just three years ago by an average of 19% on personal incomes and 7.7% on corporate profits. Federal personal income tax rates are lower today than at any time since World War II, and corporate tax rates are lower than at any time during the past 15 years.

No doubt many states are raising all the local revenues the tax base in use will bear. But the tax base in too many states is predominantly property or sales, rather than income. Thus the basic state tax structure in many states is both regressive—hitting especially hard those on fixed or low income who can least afford increased taxation—and neglectful of the most fruitful tax base—income. Seventeen of our states impose no state income taxation at all. Many of the rest impose one which is either a flat rate or so inadequately graduated as to be consistent with neither the "ability-to-pay" theory of taxation or actual state financial needs.

I do not mean to say that the states have all the revenue potential they need to meet the pressing problems—some even more expensive being long neglected—they face. Because I believe in decentralized government and recognize its costs, I am an advocate of federal tax sharing with the states and have introduced a tax sharing bill in Congress. But tax sharing should supplement, not reduce, a state's own revenue effort and, in my view, should encourage more enlightened state taxation systems than presently exist in many states.

I am particularly impressed with the idea of a federal tax credit for graduated state income taxes. Such a tax sharing formula would not only make state revenue efforts easier, but would also encourage states to tap the greatest and fairest tax base in the state—the generally growing income levels America can reasonably anticipate for the indefinite future.

STATE GOVERNMENT REFORM

But merely finding the money will not shake off the lethargy which has paralized state action and fertilized the growth of federal power. To restore their role in the federal system, the states must shed the antiquated administrative structures and outdated restraints which have frequently made urgent state governmental action unlikely, if not impossible.

The greatest barrier to effective state government—malapportioned rotten-borough state legislatures—has already been eliminated. It is unfortunately symptomatic of the abdication of state power by those entrusted to exercise it that reapportionment had to come through the courts, rather than through the state action which most state constitutions required and every citizen deserved.

Reapportionment is now nearly complete. As Governor Agnew can tell you about Maryland's fully reapportioned legislature, having a legislature which accurately and equally represents the people of a state makes life a lot easier for a Governor who wants to meet the needs of his state.

The second critical step toward revival of state government is state constitutional reform. Too many state constitutions were first drafted a century or more ago under Tom Paine's theory that the government which governs least governs best. These constitutions straitjacket state legislative and executive authority. As a result, many states must try to make do with horse and buggy governments in the nuclear age.

The states cannot hope to deal with modern problems when their legislatures are constitutionally limited to short meetings, more than half of which occur only every two years. The states cannot hope to have the administrative flexibility to adapt to changing conditions as long as the state executive power is hamstrung with constitutional and legislative provisions designed to inhibit rather than enhance the executive's ability to move decisively to answer state problems.

Wholesale revision of state constitutions is essential to revival of state influence in the federal system. The states can never effectively compete with the federal government as long as their state governments deny themselves the legislative and executive flexibility the federal Constitution has always provided for the national government.

The states must also eliminate the nonconstitutional handicaps under which they labor, such as non-competitive salary scales and inadequate facilities for legislators and state officers and employees. If industry pay scales draw off the best talent from the public service, the public business, like any business, will suffer for it. Many highly motivated civil servants have labored long and hard in the public's vineyard at the inadequate levels of pay. But as they retire, and as the demands on state government require an increase in its size, the calibre of state officials and employees will be reflected in the salary scales paid.

Furthermore, the cobwebs of archaic administrative and legislative organization should be swept away. Most states are encumbered with great numbers of boards, commissions and agencies which were either ill-conceived to begin with or have outlived their useful function. The states should seek the best modern management advice to introduce maximum efficiency into their governmental structures. The place to start saving tax dollars is not by cutting essential public programs, but by the streamlining of the dusty administrative structures with which, too frequently, the states try to administer these programs.

TOWARD A NEW FEDERAL PARTNERSHIP

I recognize the practical problems which inhibit state governmental reform. But the crisis in state government is so serious, and the survival of the state role so essential, that the challenge of change must be met.

As Governor Daniel Evan of Washington has said:

"State Governments are unquestionably on trial today. If we are not willing to pay the price, if we cannot change where change is required, then we have only one recourse. And that is to prepare for an orderly transfer of our remaining responsibilities to the federal government."

In large part, revitalization of state government depends upon the will of the public and its elected officials to make the necessary changes. Too frequently today, state candidates run on platforms of negativism and defeat, blaming most state problems on the

federal government, rather than pledging initiative and imagination to make the changes necessary for the states to regain their place in the federal system. Too frequently too, critics of state government reinforce this defeatism by sneering at the states and writing them off as effective participants in the federal system.

I think both these groups are wrong, dangerously wrong. I believe we can make a breakthrough to new effective federal-state partnership in which the states play a vital and—in most domestic matters—equal role.

The completion of legislative reapportionment and the movement toward major state constitutional reform presage a hopeful new day for the states. But the path toward a new federal-state partnership will not be easy. It will require the continuing hard work and good will of both state and federal officials and legislators. But we can, if we will, form a new federal-state partnership in order to better serve those whom we both represent—the American people.

Let us replace both spiteful sniping at the federal government and sophisticated sneering at the states with a new spirit of constructive cooperation. Let us get on with the revitalization of the states as effective partners in the federal system.

RUSSIAN SOURCE SUPPORTS DOMINO THEORY

Mr. BENNETT. Mr. President, it is an unfortunate fact of time that men of vision must often await the passage of years before their vision and understanding of events is vindicated. In the years since the passing of John Foster Dulles there has been a great debate in this country about two concepts which he advocated and on which he made foundations for U.S. foreign policy. They were, of course, the domino theory in Southeast Asia and massive retaliation.

Regardless of the merits or wisdom of massive retaliation, that concept was successful simply because our potential attackers never really knew whether John Foster Dulles meant what he said or not.

The domino theory has been ridiculed on its merits and because it had been advocated by the Secretary of State who was a favorite target of partisan critics. The domino theory has been explained by many people, and consequently has many interpretations. Regardless of its precise meaning, it is very interesting to note that the theory is held and understood by some very interesting parties and governments.

In a recent speech in the Senate, I pointed out the efficacy of the domino theory and offered very persuasive statements from Southeast Asian leaders, men on the scene, who have clearly and without hesitation explained to the world that China intends to pick them off one at a time unless Red China is stopped by a coalition of American and Southeast Asian nations. Thus the people of Asia believe in the domino theory.

The Chinese in various statements and by various acts have proven that they not only believe in the domino theory, but they are pursuing it. Recently one of the most influential news commentators in the Soviet Union wrote that since 1950 Mao Tse-Tung has been pursuing a course based almost exclusively on the domino theory.

Mr. President, I ask unanimous consent that an article from the British Information Service and published in the Salt Lake Tribune of October 23 be printed in the RECORD at the conclusion of my remarks. Whether certain skeptics in the United States believe in the domino theory or not, the article clearly shows that China does. The article, coupled with the actions of Red China, certainly repudiates the attacks and questions raised by American opponents of the domino theory.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A BRITISH VIEWPOINT: RUSSIAN SOURCE SUPPORTS "DOMINO" THEORY

The "domino" theory—the idea that the fall of Vietnam to the Communists would cause other Southeast Asian states to topple—is discussed by the London Sunday Telegraph (Conservative). Perhaps no other political concept of our time has aroused such derision among "progressive" thinkers, the Telegraph says, then writes:

"But last week the domino theory received powerful support from a rather unexpected quarter: in an article by the most influential of Soviet news commentators, Mr. Rostovsky, widely known in the West under the pseudonym of 'Ernst Henri.' Writing in the Soviet newspaper Literaturnaya Gazeta, he reveals the existence since the 1950s of what he calls Mao Tse Tung's great strategic plan which aims at no less than the conquest of the whole of Asia, and perhaps even beyond, by gradual stages, and the establishment of a colossal 'Asiatic Reich.'

"The first step would be the incorporation of Korea and Mongolia, and of southeast Asia in the following order: Vietnam, Cambodia, Laos, Indonesia, Malaysia, Burma and so on. After that the Chinese-Communists would turn their attention to India, Soviet Central Asia, the Middle East . . . and even farther afield. This is exactly what President Johnson, Dean Rusk and their advisers have been saying for so long. Would it be too much to hope that this entirely unsolicited testimony, coming from such an unimpeachable Communist source, might make our 'progressive' pundits hesitate, and at least consider the possibility that the United States may be right?"

FEDERAL-STATE TAX SHARING

Mr. BENNETT. Mr. President, one of the great hopes for revitalizing State governments and cutting through the problems presented by the alarmingly increasing profusion of Federal programs is the proposal for Federal-State tax sharing.

This proposal, embodied in S. 694 which I am cosponsoring, would establish a fund of an amount equal to one percent of the aggregate taxable income reported on individual income tax returns for the preceding calendar year, or the amount appropriated to the tax-sharing fund for the preceding fiscal year, whichever is the greater. States will be apportioned amounts from this fund according to their population. Except for obvious prohibitions against the use of these funds for highway programs, state payments in lieu of property taxes, debt service or administrative expenses for State or local governments, there will be no strings attached to these funds.

Mr. President, my support for this measure stems from a deep concern that the Federal Government is usurping functions best handled by the States and their political subdivisions. One of the reasons for this usurpation is that the Federal Government is in a better position to obtain revenue than are State governments.

This more advantageous position of the Federal Government is traceable to several causes. First, the Federal Government's heavy entry into income tax collection has made it difficult for States to use this method of revenue gathering. Since income tax receipts increase much more with an expanding economy than do the traditional State methods of sales and property taxes, the relative position of the States is weakened as our economy continues to expand. Second, in their desire to attract and hold industry, States have become involved in mutually destructive low tax rate competition. Consequently, all the States are hurt by their need to compete with one another in providing favorable tax climates.

This problem of an increasing gap between the tax base of the Federal Government and that of the State is made even more alarming when we realize that the needs which have been traditionally and best served by the States and constitutionally delegated to the States are accelerating at a greater rate than are those served by the Federal Government.

Mr. President, our problem is quite simply stated. How do we get the money from the Federal level, where it is gathered, to the State level, where it is needed.

Over the past two decades, Congress has attempted to move this money from the Federal receipts to the needs of the States and their subdivisions via grants-in-aid. This approach has some very real problems.

One problem arises from the administration of grants-in-aid. William G. Colman, Executive Director of the Advisory Commission on Intergovernmental Relations, states:

> The number and variety of grant-in-aid programs has now reached the point that increasing difficulty is being encountered at the federal level in avoiding duplication and overlapping among or between programs with corresponding difficulties at the level of state or local government. (William G. Colman, "The Role of the Federal Government in the Design and Administration of Intergovernmental Programs," *The Annals of the American Academy of Political and Social Science*, May, 1965, p. 29).

Grants-in-aid suffer from the immense redtape generated by overcentralization. Consequently, we have the unfortunate situation where an area's grants are frequently not so much determined by its needs as by the ability of one of its administrators, a man frequently hired for this very purpose, to find his way through the bureaucracy and return home with the money.

Another problem which arises from grants-in-aid greatly alarms me. This is the ability of grants to alter the priorities of problems which State governments and their political subdivisions feel to be important. Dr. Charles Adrian, a widely recognized authority on State and local government, alludes to this problem. He states:

By reducing the marginal cost of a new or an expanded program, a grant alters the political agenda by increasing the priority that that particular activity enjoys in that particular unit of government. Not only is the function expanded beyond what would be the case without the grant, but it is possible the amount spent by the recipient unit of government will be greater than would have been the case without the grant. The result of this may, in some cases, be the curtailing of other activities at the level of government. (Charles R. Adrian, "State and Local Government Participation in the Design and Administration of Intergovernmental Programs," *Annals of American Academy of Political and Social Science*, May, 1965, p. 39.)

Tax sharing meets the major problems presented by grants-in-aid. It gets money most effectively to the areas of greatest need. It eliminates the proliferation of the maze of redtape. It leaves priority setting to the governments closest to the people served rather than arbitrarily and unilaterally setting them in Washington, D.C.

Mr. President, I feel that a basic philosophical issue is involved. In a free society, we are committed to the concept that the people should have the final say. It logically follows that people can have their say most effectively in the governmental units nearest to them. This tax-sharing proposal brings the money to units of government which the people can act their will upon much more effectively than upon the Federal Government.

Some of the opposition to this proposal shows an unreasoning fear of the potential of the States and their subdivisions and an unreasoning faith in the wisdom of policymakers in Washington. Many of those opposed to this proposal applauded reapportionment, claiming that this would dramatically improve the State governments. Since reapportionment of most States is now a fact, I cannot understand how these people can now say that these reapportioned State governments are incapable of wisely spending money gained through tax sharing.

Mr. President, I am optimistic about the future of our States. Even now a number of them are showing great vigor in attacking their needs. Witness the efforts of Michigan, California, New York, and Pennsylvania. These and other States are illustrating the capacity of State governments to deal imaginatively and effectively with the problems which confront them.

Congress has the opportunity and the responsibility of helping to put State governments into a situation where they can deal with their problems without being penalized for the Federal Government's great advantage in taxing power. Federal-State tax sharing will be a momentous step in this direction.

MANY ARE CONCERNED

Mr. BYRD of West Virginia. Mr. President, the subject of the increasing involvement of activist clergymen in political affairs is a matter of great concern to many persons. In this connection, U.S. News & World Report for November 27 contains a significant article entitled "Militant Clergy—Critics Fire Back," which I believe will be of interest to Senators and other Members of Congress. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MILITANT CLERGY—CRITICS FIRE BACK

Disquiet is deepening in U.S. churches over the role of clergymen in the turmoil and rebellion unfolding across the nation.

This concern was highlighted November 12 in Williamsburg, Va., when an Episcopal minister questioned the war in Vietnam—with President Johnson and his family sitting in the congregation. Said the Rev. Cotesworth Pinckney Lewis:

"We are appalled that apparently this is the only war in our history which has had three times as many civilian as military casualties. It is particularly regrettable that to most nations of the world the struggle's purpose appears to be neocolonialism."

Laymen and authorities of the restored eighteenth-century village immediately disavowed support of the clergyman's views.

One official described the sermon as being in "exquisite bad taste," and Governor Mills E. Godwin, Jr., of Virginia apologized to the President.

Later, Mr. Lewis said he had been "grossly misunderstood."

Developing "backlash." This incident is only the latest of many now being reported in city after city, as a "backlash" develops among worshipers and clergy against the activities of radically minded men of the cloth.

In Milwaukee, Roman Catholic laymen are up in arms over the activities of the Rev. James E. Groppi, who is leading Negroes in an open-housing drive that has brought violence—condoned by the priest—to that city.

Two Detroit pastors dismayed their congregations by offering their churches as "sanctuaries" for draft evaders.

Even more startling was an "invasion" of draft offices in Baltimore by four men, including the Rev. Philip Berrigan, a Catholic priest, and the Rev. James Mengel, a Protestant minister. They poured vials of blood over draft records—to "illustrate that, with these files, begins the pitiful waste of American and Vietnamese blood."

In Englewood, N.J., a Conservative rabbi created a stir in his congregation when he recently "forbade" the members to vote Republican because that party, he said, was using "racist" tactics.

"Made us suffer." The leading role of clergymen in a vineyard strike prompted this comment from an officer of the Southern California Council of Churches:

"Many persons have withdrawn their membership in the churches because of our participation; some have withdrawn financial support. You could say that our involvement has made us suffer."

Similar rebellion is developing over church support being given in some cities to Saul Alinsky, self-styled "professional agitator" among the poor neighborhoods. The editor of the Episcopal magazine "Living Church" wrote: "I don't want one nickel of my church offering ever to find its way to anything that this man Alinsky administers or even comes near."

A top official of the United Church of Christ proclaimed that "revolution is our business." And that revolution is cutting through the whole fabric of American society.

An article in a Protestant magazine, "The Christian Century," urged churches not merely to condone, but to promote interracial marriage.

Clergymen wander through "hippie" colonies in San Francisco and elsewhere, praising teen-age "pot" users as the 1967 version of the early Christians.

"New morality." Becoming fashionable in seminaries is the doctrine of "situation ethics" which downgrades moral systems based on firm notions of right and wrong. Typical of the "new morality" being preached by some churchmen is this statement by Anglican Bishop John A. T. Robinson in his best-selling book, "Honest to God":

"Nothing can of itself be labeled as wrong. One cannot, for instance, start from the position that sex relations before marriage are wrong or sinful in themselves. The only intrinsic evil is lack of love."

One religious-news editor commented: "It seems you can get away with any kind of behavior if you call that behavior love."

Such views represent a broad swing away from the traditional view of the churches' role as ministering to the individual's spiritual needs.

Secular movement. Today, many traditionalists are coming to see individual and social needs as interwoven. The Rev. Dr. Billy Graham, for instance, stated recently, "There is one Gospel only . . . the dynamic of God to change the individual and, through the individual, society."

Other clergymen, going further, are stating that it is the churches' job to stir members into discussing moral aspects of social issues and into reaching broad conclusions of their own.

Developing is a "new breed" of clergymen seeking to plunge their congregations wholeheartedly into social and even political revolution. Said the Rev. Cecil Williams, of the Glide Memorial Methodist Church in San Francisco:

"We go where the action is, listen with all our might, with our guts, interpret and articulate what it is that people are trying to say, and make darn sure we can translate what they want into action."

Such men were the backbone of the nationwide Conference on Church and Society held in Detroit in recent weeks under auspices of the National Council of Churches.

Delegates urged that not only should churches become "sanctuaries" for draft evaders, but that they should sponsor a 24-hour general strike across the United States should the Vietnam war be escalated sharply.

Turning to urban problems, the conference's goal appeared to be that of defining a "theology of revolution" as called for by their best-known spokesman, Prof. Harvey Cox, of the Harvard divinity school, who wrote the influential book, "The Secular City."

While deploring violence in Vietnam, delegates held it to be justified in "redressing wrongs" at home. Some churchmen felt that the "complete restructuring" of U.S. society might justify the arming of snipers and incitement to riot. Said a working paper:

"Detailed mobilization of church resources must be developed to respond to confrontation between the police-military arm of the state and subjugated, robbed and excluded populations."

Such statements prompted this comment from "The Christian Century," even though it has often sided with "activist" clergymen:

"To say, as these double-minded absolutists did, that as Christians we must oppose violence in Vietnam but use violence in the United States, that Christians must support the oppressed in *any* conflict with the government, that violence can be baptized in the name of Jesus Christ, that nothing will save our society short of total revolution, is to indulge in loose and irresponsible talk that is not only unchristian, but politically stupid."

The magazine also was critical of another highlight of the Detroit conference—a show arranged by the arts director of the National Council of Churches. The show included a film depicting, in sequence, the profile of a couple engaged in sexual intercourse, a strip-

per removing her clothes, and the gyrations of a topless dancer.

Way of the prophets? Today's revolutionaries in the pulpit sometimes are being compared with the prophets of ancient Israel who thundered against the religious and secular authorities of their day. Unlike those prophets, however, the present-day Jeremiahs are described as anything but lonely outcasts from the society that stirs their wrath.

Religious observers estimate their "hard core" at no more than a few thousands. But it is the boast of Professor Cox and others that they are moving into key posts in churches, seminaries and interreligious groups.

Often their views are getting support from the religious bodies they claim to represent.

The Community Church of New York, for instance, unloaded its stock holding in a chemical company because that firm made napalm used in Vietnam.

Several Protestant clergymen brandished denominational holdings of stock in a camera company as a weapon of pressure while attacking the firm's policies on the hiring of Negroes.

Catholics, Jews and Protestants in many cities are working together in "Project Equality," which asks church members to use their buying power to "pressure" suppliers into hiring more Negroes.

"Activist" officeholders strongly influence statements being published under religious auspices.

As one example, the World Council of Churches, which claims a membership of about 230 Protestant and Orthodox churches, last year denounced the U.S. position in Vietnam.

As a follow-up, the Rev. Eugene Carson Blake, secretary-general of the World Council, recently suggested that a vote of free Asian nations decide whether American forces should remain there or pull out.

Similarly, the National Council of Churches has come out in favor of open housing, legislative reapportionment, the rights of labor, and an end to the bombing of North Vietnam, to mention only a few of its proposed solutions to world dilemmas.

Such agencies, as well as individual clergymen, are maintaining that they speak for themselves and not "for" their denominations. But complaints are being heard increasingly about the validity of this claim. It is pointed out that the headquarters of the United Church of Christ officially released the statement of a number of its high officials who criticized the ouster of Representative Adam Clayton Powell from Congress—although the officials claimed to be speaking for themselves, not their church.

GROWING RESISTANCE

It is against that background of growing power among the activists that strong resistance is developing in many congregations across the nation.

Rank-and-file delegates to the general assembly of the United Presbyterian Church in the U.S.A. not long ago overrode a committee report that sought to put the church on record as approving "selective" conscientious objection.

In Philadelphia, where a staff member of the Episcopal archdiocese had been urging young men to burn their draft cards, there was picketing by irate churchgoers until the bishop issued an order forbidding further acts of civil disobedience by his staff.

The Episcopal bishop in St. Louis asked for the resignation of two priests active in the "militant" wing of the civil-rights movement. A Roman Catholic priest in Detroit was relieved of his duties after 10 parishioners walked out in protest against his sermons on race relations and Vietnam.

A team of sociologists from Columbia University and the University of California at Berkeley questioned 100 Episcopal bishops, 259 clergymen and 1,530 laymen. They concluded:

"Past experience has shown that, when the church has taken a strong and unequivocal position on an issue, it has alienated members whose nonreligious interests are threatened.

"There is no evidence that taking an unpopular stand has changed the thinking of many parishioners."

In like vein was the conclusion of a Methodist study group that the churches had "overextended" themselves "by so broad and superficial involvement in so many diverse aspects of society that it fails to make an impact."

What results may be. Many churchmen believe that open ruptures of the kind which has occurred in Milwaukee are developing.

There Father Groppi's militant campaign for open housing has brought decline in church contributions, and some Catholics are talking of boycotting the archdiocesan charities drive next year. Name-calling has become commonplace when Father Groppi makes a public appearance. The split among Roman Catholics in Milwaukee has been widened by what some critics have described as his tolerance of young Negro "commandos" who vandalized the mayor's office.

A parallel case is seen in Chicago's South Side where the white pastor of a Presbyterian church continues to defend a Negro gang of youths against what he calls "police harassment"—despite the unearthing of three rifles, a shotgun and 22 sabers in the church last year.

As most observers see it, U.S. religion is embroiled in controversy striking at its very roots. Dr. Franklin Littell, president of Iowa Wesleyan College, said:

"If the sixteenth century is remembered for the Protestant and Catholic reformations, if the nineteenth century is remembered as the great century of Christian missions, the twentieth century will stand out as the century of the church struggle. And, brethren, it's going to get worse before it gets better."

SOVIET UNION UNABLE TO RATIFY CONVENTION ON FORCED LABOR—ALL THE MORE REASON FOR UNITED STATES TO ACT NOW

Mr. PROXMIRE. Mr. President, the Foreign Relations Committee has had before it for a long time the Conventions on Forced Labor, the Political Rights of Women, Freedom of Association, and Genocide, the last two since 1949.

Today, I speak of the forced labor treaty which is certainly constructed in the interests of humanity. In good conscience it would seem that we should approve it by automatic reaction.

Soviet Russia has not ratified this agreement. The terrible fact is that that nation has subjected countless numbers of Baltic States peoples and others to forced labor. Soviet ratification of the Forced Labor Convention would have constituted an exercise in hypocrisy.

Our Nation, by great contrast, serves as a beacon of freedom, demonstrating for all mankind that the dignity of man must always be preserved. It is time we made this dramatic difference between our system and all forms of tyranny crystal clear for all to see by ratifying the Convention on Forced Labor.

I once again urge our attention and support to the remaining Conventions on Genocide, Political Rights of Women, Forced Labor, and Freedom of Association. Affirming these treaties would advance the cause of humanity throughout the world.

POLLUTION OF LAKE MICHIGAN

Mr. PERCY. Mr. President, the Chicago Daily News has made a solid contribution to the discussion of the growing danger facing Lake Michigan. In a long article, the News outlined the problems of easing the pollution crisis and of starting the long road back to a clean and living lake. The heart of the presentation is a nine-point program to save the lake.

We are hopeful for broad citizen support for the efforts already underway and those that can be taken in the future to save Lake Michigan. Such efforts can succeed only through the cooperation of industry and local, State, and Federal Government working effectively together with a maximum of support from an enlightened, informed people, who are the ultimate beneficiaries.

I commend the efforts of the Chicago Daily News and of Rob Warden and M. W. Newman for their contribution to the effort and for taking these steps toward offering a meaningful program to combat the threat of lake pollution.

I ask unanimous consent that the nine points be printed in the RECORD.

There being no objection, the nine-point plan to save Lake Michigan was ordered to be printed in the RECORD, as follows:

THE NINE-POINT PLAN TO SAVE LAKE MICHIGAN

(By Rob Warden and M. W. Newman)

1. Cities and towns: Start now to improve treatment of wastes fouling the lake. Set a 5-to-10-year timetable for completion.

2. Industries: Take immediate steps to stop polluting. Cleanup deadline: 5 to 10 years, or sooner.

3. Ships and pleasure boats: Stop emptying sewage into the lake by next spring.

4. No more dumping. Ban deposits of river dredgings or any other material that decays, feeds harmful plant growth and discolors or fouls the water.

5. Danger: Farm chemicals. Cut down on pollution from fertilizers and insecticides washed into the lake by rain.

6. Watch for violators. Make regular inspections to detect polluters and bring them to court.

7. Control alewife and lamprey eel menaces, restore balanced fish life.

8. Expand research to develop better anti-pollution methods.

9. Financing. Substantially increase Federal aid and tax incentives to encourage installation of pollution control equipment by local agencies and by industry.

BILINGUAL EDUCATION PROGRAM PROVES TREMENDOUS SUCCESS

Mr. YARBOROUGH. Mr. President, one of the most successful programs of bilingual education has been that practiced by the Coral Way Elementary School in Dade County, Fla. This school district, because of the large number of Cuban refugees, was faced with the same problem that many of our Southwestern States face. The school population contained a large proportion of Spanish-speaking students.

In a real exhibition of educational in-

novation, the entire school was transformed into a model school of bilingual education, with very successful results. Not only has the students' learning ability been enhanced, but also by the sixth grade, both formerly English-speaking and Spanish-speaking children, are fluent in both languages.

To illustrate what a successful program of bilingual education can mean, I ask unanimous consent that the article entitled "Bilingual Teaching Works, or Se Aprenden en Dos Idiomas," published in the Miami Herald of November 19, 1967, be printed in the RECORD. The article describes how an educational problem can become an educational advantage for all students. This is what we are trying to accomplish with my Bilingual Education Act which has been incorporated as an amendment in the Elementary and Secondary Education Act Amendments of 1967 which we will consider soon in the Senate. This one successful example of bilingual education proves the worthiness of concentrated effort in this area.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CORAL WAY ELEMENTARY EXPERIMENT: BILINGUAL TEACHING WORKS, OR SE APRENDEN EN DOS IDIOMAS

(By Georgia Marsh)

Take a group of Cuban youngsters who speak only Spanish and a group of North American children who speak only English, and put them in the same classes.

The result, at Coral Way Elementary, is not confusion but a model school teaching in both languages that:

Recently drew praise from a top U.S. education official.

Has drawn visitors from almost every part of the world.

Has a principal, Joseph Logan, whose original reluctance has been converted to all-out enthusiasm. He now recommends bilingual teaching go "countywide."

Five years and some controversy later, Carol Way's experiment in total pupil bilingualism is registering as a success. It recently won praise from U.S. Education Commissioner Harold Howe.

Under the bilingual program all students spend part of the day learning in Spanish and part learning in English.

Three years ago a group of Coral Way parents objected to a combination fifth and sixth grade class formed for students who did not want to participate in the bilingual plan. The parents wanted separate classes for the two grades but the size of the individual classes did not justify hiring two fulltime teachers. The students have since gone on to Junior high.

Logan said about a dozen parents also transferred their children out of the school when it went bilingual but said these resulted from "individual problems."

Coral Way's entry into the bilingual education field is but one of several new educational programs which are the result of the huge influx of Cuban school children here.

The influx started out as a "crisis" in the early 1960s but is now viewed as a "blessing," by Paul W. Bell, supervisor of bilingual education.

Faced with the "fantastic educational challenge of absorbing thousands of Spanish-speaking children, Dade schools responded by providing significant new educational programs.

In addition to Coral Way, Dade's projects include a native language curriculum for Spanish-speaking children. Under this program, about 10,000 Spanish-speaking students study Spanish just as North American students are required to study English every year.

The influx also led to the development of special first and second grade reading books for non-English speaking pupils known as the Miami Linguistic Readers. It is now used nationally.

Dade's school population of 212,000 includes 22,500 Cuban children and another 7,500 from other countries where the native language is Spanish.

In 25 of Dade's 213 schools, the native Spanish-speaking pupils make up half, or more than half, the total school enrollment.

And the number of Cuban children increases by 300 each month as daily flights bring refugees to Miami.

"The influx was the catalyst for developing new programs," Bell said. "The needs were not new but the crisis and federal assistance made it both imperative and possible to meet those needs."

Federal aid this year is $10 million, given so Dade can provide without higher taxes the same education for refugees as is provided for children who are permanent residents.

The money goes into the school system's general operating budget.

Bell said it costs an additional $25 a pupil to operate a bilingual school. The funds are needed for special materials and teacher aides.

But, Bell continued, the purpose of the bilingual program is "not to help Cuban children keep up. The purpose is to prove that children can learn a second language."

Proof it can be done is evident at Coral Way where native Spanish-speaking students and native North American students converse so easily in either tongue that it is difficult to determine a child's native language.

Studying in a second language has not hampered the student's learning ability either, Bell and Logan say.

Mrs. Josephine Sanchez, a bilingual teacher, said test grades show a normal curve following the ratio of five Cuban students to every two North Americans enrolled at the school. "For every five poor Cuban students we have two poor North Americans," she explained.

Coral Way starts its bilingual program in first grade. As the pupils progress they spend more and more time learning in the second language so that this year's sixth graders are working equally in both languages.

Bilingual teaching does present some problems. Teachers work in teams of three and sometimes find their schedule forces them to move to next subject though they would prefer pounding home a particular lesson a few minutes longer.

Principal Logan said students don't sacrifice anything but "busy work" the nonessential material often used just to fill out the school day.

Logan, who originally was apprehensive about the bilingual plan, now is convinced that "any child can learn a second language."

Coral Way's program has been adopted in modified forms in schools throughout the nation.

In Dade, bilingual education has spread to Feinberg and Mae E. Walters Elementary Schools. Shenandoah Junior High now offers two hours of bilingual teaching to students coming from Coral Way.

At Feinberg, Principal Bernard Nissman is sold on the idea but cites "lack of space and materials" as some of bilingual teaching's special problems.

"We have to adapt rather than adopt materials," Nissman said.

Still another need is inservice training for teachers. "With 13 per cent of our school population speaking Spanish, more of our teachers should at least be aware of the instructional needs of the bilingual student so they can help with regular classroom work," said Bell.

Bell considers money spent on the bilingual program "a good investment . . ." One of the fascinating things we are discovering is that the total spectrum of education can be bilingual. Anything we can do in one language we can do in two."

ADDRESS BY SENATOR ROBERT KENNEDY ON HEALTH CARE

Mr. RIBICOFF. Mr. President, last Sunday the Senator from New York [Mr. KENNEDY] delivered a timely and important address on the subject of health care in the United States. In his address, Senator KENNEDY offered a challenge to the medical profession to meet the health needs of millions of Americans; and he offered several provocative and challenging suggestions as to how these needs can be met.

From my experience as Secretary of Health, Education, and Welfare, I can testify that the United States must do more to provide adequate health care for those Americans who are not now receiving it. I am proud to have helped author the medicare proposal, and proud of the achievements it has brought. At the same time, I recognize that the task has only begun. Because I believe that Senator KENNEDY'S statement merits serious study, and ask unanimous consent that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR ROBERT F. KENNEDY, YESHIVA UNIVERSITY, ALBERT EINSTEIN COLLEGE OF MEDICINE, BRONX, N.Y., NOVEMBER 19, 1967

This is a place of special meaning for me. For at Yeshiva University the Albert Einstein College of Medicine has begun an important new step in its pioneering urban health program: The Rose Fitzgerald Kennedy Center for Research in Mental Retardation and Human Development. This Center, which will help to salvage the lives of lost citizens, is a testament to your concern—concern which has been a keystone of this great medical school.

But I come here to offer you not congratulations, but a challenge. For in New York and across the nation, the condition of American medical care is grave—in fact, it is critical. We—and you—confront a grim scene of the neglected, the ill, and the dying—the thousands, the millions of victims of our indifference.

"If we believe that men have any personal rights at all," Aristotle said, "then they must have an absolute moral right to such a measure of good health as society alone is able to give them."

Two years ago, the United States began a program to provide this moral right for two parts of our population: those over 65, and the "medically indigent," for whom serious illness means financial catastrophe. We have spent billions of dollars in these programs—yet what they have produced is not achievement, but anxiety. For they have shown us more vividly than ever before—that our Nation's system of health care has failed to meet the most urgent medical needs of millions of Americans.

The cost of health care in America is staggering: more than 6 percent of our gross national product. And with Medicare and Medicaid, these costs have soared. But consider what we have bought with these billions:

In 1950, we ranked fifth in the world in our infant mortality rate. Today, we rank fifteenth—below all of the industrialized nations of Europe. And here in New York, during the last decade, infant mortality *increased*—by 4 percent.

Twelve other nations have higher life expectancy rates at 60 than we do.

Fifteen other nations have higher ratios of hospital beds to patients than we do.

Forty-three percent of our hospital care, according to Columbia's School of Public Health and Administrative Medicine, is only poor to fair.

But these figures—and countless others—cannot measure the full impact of our double standard of medical care. It cannot measure the disappearance of family physician care for poor families—and its replacement by the emergency rooms of huge impersonal municipal hospitals. It cannot measure the long waits, on endless lines, for an often indifferent examination by a doctor the patient has never seen before, and will not see again. It cannot measure the minor illnesses which spawn major diseases—because regular checkups are unknown, and continuing medical care an illusion. It cannot reflect the children whose education is useless—because they are too weak to work, or too ill to listen.

Figures cannot measure the indignities, the inefficiencies, the lost lives, but they at least tell us how much remains to be done, beyond the spending of massive sums of money.

Medicare has told us what we should have known long ago. Our system of health care in the United States is understaffed, overburdened, and as it is presently structured, wholly inadequate to supply decent medical attention for all Americans. This fact was hidden from us—because those who were elderly, those who were poor—simply did not get a minimal amount of medical care. Now, they are beginning to come to hospitals, and to visit physicians. And with them has come the knowledge that our system of health care must change.

There is already a shortage of modern hospital beds and nursing home beds. Medicare and Medicaid have only multiplied the number seeking care in these already overburdened and often inefficient facilities.

The result of providing more money to compete for the same supply of services has been an astronomical increase in the cost of care. Daily rates in hospitals are up over a third in less than two years. Physicians' fees have risen over ten percent, 8.5 percent in the past year alone. Hospital charges of $100 a day will soon be a reality in New York City.

There is no real mystery about why this has happened. Wages are two-thirds of the cost of running a hospital, and there was a huge backlog of wage demands in our hospitals. Nurses and other personnel had worked too long at substandard pay, and now there are funds to offer a more adequate wage.

But there are other matters. Hospitals are run essentially as they were fifty years ago. They have been neither forced nor even encouraged to innovate. Patients are still wheeled from one end of the hospital to the other for surgery. Costly services are maintained for vast numbers of patients not seriously enough ill to need them.

Physician fees have risen so sharply because more dollars cannot by themselves produce more doctors. That, coupled with the fee-for-service approach of Medicare and Medicaid, has allowed some specialists and even some general practitioners to reap exorbitant benefits from these tax-financed programs.

Serious as these matters are, the fundamental problem is one of structure—one which goes to the heart of our system of delivering health care. We are pumping billions of dollars of new money into the health industry—but without the slightest effort to change the existing system, under which people are taken care of in the costliest institution, the hospital, and by the costliest manpower, the doctor. It is no wonder that the cost of health care has risen so sharply.

The first task, in my judgment, is to recognize that our present approach is simply not satisfactory—and to do something about it. We are providing poor quality care at high cost. That is nothing less than a national failure.

Next week I shall propose, as an amendment to the social security bill now before the Senate, the establishment of a joint Congressional committee to study the cost of health care and what we are going to do about it. The committee's mandate would be the full scope of the cost problem—from reimbursement formulas to new technology, from ways to achieve gerater efficiency to new ways of delivering health care.

But no committee—no study—can be successful unless it confronts the root cause of spiraling medical costs: the outmoded and rigid structure of health care which simply cannot meet the demands for decent medical attention. What is needed—as a matter of the first priority—is to put our medical resources to work in new ways, to respond more effectively to the ever-growing demand for services.

An effective program of action requires at least four steps:

First: We must tap new sources for recruitment into the health field and develop new health careers for our recruits. We all know we have a grave shortage of medical personnel. We know that each year we educate 2000 fewer doctors than we need just to keep pace with present ratios; and we know we need more nurses of all kinds, and more technical aides.

But even as we provide government assistance to health professional schools—even as we provide scholarships and loans, so that low-income students can attend our medical schools—we know we must develop new jobs in the health field. For the fact is that we will never have enough doctors and nurses to perform all of the tasks we now assign to these costly and scarce professionals. Experience has shown that many of their tasks can be performed by assistants working under their supervision—aides who can be enabled to study on the job in order to acquire greater skill and move on to greater responsibility.

We can find many of these people in the same communities of the poor which most need medical help. We can find—and train—non-professional people, to care for fellow members of their own communities. And this source of employment—a source you have tapped with your health careers program—can find worthy service and increased job opportunity, within the medical profession.

Second: All of our medical resources must be put to work more effectively in the communities themselves. To structure the future of medicine solely around large, impersonal hospitals will not only insure poor quality care, but also guarantee even more excessive demands on these overcrowded institutions—and thus produce higher and higher medical costs.

If we are to use our funds wisely—if we are to deploy our health manpower efficiently—we must decentralize medical care. We must bring health services to the people through a system of community and neighborhood health centers which provide comprehensive family care in a dignified, responsive setting.

Again, you at Albert Einstein have recognized this need, by participating in the Storefront Neighborhood Service Center, serving the Lincoln Hospital Community. Here, nonprofessionals can be of greatest service—by insuring that neighborhood centers *serve* the poor, instead of using them. Too often, the medical profession has seen the ghetto communities as ideal neighborhoods—not so much for service, as for obtaining teaching material. One doctor told me of a conversation he had with a ghetto resident. He asked her what she thought of a planned new neighborhood health center.

"Oh," she said, "is that another one of those programs where we supply the diseases?"

The neighborhood health centers must not be that kind of program. They must meet the fundamental health needs of our neglected citizens.

Third: The program must go beyond narrowly-defined "health" needs. For all of the energy—all of the commitment—of the medical profession will not be enough, unless we also meet the sources of disease.

It is illusion to think we can cure a sickly child—and ignore his need for nutritious food. It is foolish to pour in funds to minister to the effects of filth-ridden slums—without recognizing the undeniable fact that these slums breed disease. It is profitless to establish community mental health services—if we do not understand that a community of the jobless, the purposeless, the hopeless spawns frustration and agony in the minds of its victims. We will never have enough doctors to cure the children of Mississippi who have not eaten nourishing food since their birth. There will never be enough therapists for all the brain-damaged children of Bedford-Stuyvesant. We will not cure the pathology of individuals, unless we—and you—begin to come to grips with the pathology of these communities.

Education—jobs, housing, community participation—these are essential elements of a healthy neighborhood, And if these goals require the active direct participation of the medical community in matters of public controversy, then this is the work that must be done. It is neither economical, nor compassionate, to care for the consequences of poverty, and ignore its roots.

Fourth: As this is true for the communities of poverty, it is just as true for the whole society. All the cancer research, all the hospitals in the nation may be less important than the single simple step of making sure that fewer children are enticed into becoming cigarette smokers. All our programs for training new doctors may not mean as much to the health of the city of New York as courageous and forceful action to eliminate the pollution of our air. All our emergency rooms will not be adequate to care for the victims of the carnage on our highways, if we do not enforce far more rigid safety standards on the makers of automobiles.

And the same is true for the dozens of health hazards we have allowed to persist, through ignorance and inattention and sloth: the meat packed amid dirt and disease; the drugs sold without adequate testing; the pesticides carelessly sprayed onto our crops.

These are not for the medical profession alone—these are challenges to all of us. But you of the medical profession, the concerned and active doctors and leaders such as are here today, you can take the lead.

Part of the job is securing the enactment of legislation; and whatever legislation is necessary, I can tell you that it will be introduced—and it will be fought for. But another part of the job is education and action, relying on the spontaneous skill and initiative of the American people. Just a few years ago, surveys showed that alarming numbers of our children were overweight, underexercised, simply in poor physical condition. President Kennedy set up a Council on Physical Fitness which, in cooperation with thousands of Councils all over the country, began to set up programs of education and exercise

for children and families. The Councils were completely voluntary; they were almost without funds; yet they worked a small revolution. And within two or three years, new surveys showed that the young people of America were far healthier, in far better physical condition, than they had been before the Councils began their work. That kind of effort—whether for better school meals, or against early smoking, or to stimulate forceful action against air pollution—can be made in every community in the country today.

This is a challenging task. It requires help from Washington—for example, funds to help medical schools implement bold changes in education and operation. And it requires help from state capitals and City Halls to replace rigid regulation with creative flexibility.

But most of all, it requires effort by yourselves—members of the medical profession, guided by your obligations, and by the counsel of Albert Einstein, who said:

"Concern for man himself and his fate must always form the chief interest of all technical endeavors . . . in order that the creations of our mind shall be a blessing and not a curse to mankind."

Now you must find new ways to bring the blessings of medicine to millions who have never been reached. It means the willingness and energy to discard traditional institutions and approaches to better the condition of man himself, and his fate. But you have that willingness—you have that energy—and I know you will succeed.

FARMERS HOME ADMINISTRATION COMBATS POVERTY IN MAINE

Mr. MUSKIE. Mr. President, one of the most effective lines of direct action in the war on poverty is the program of small loans to rural families who ask only for a chance to work and earn their way.

Rural Americans boxed in by poverty frequently have little to hope for except a better opportunity for self-employment. Industrial and business jobs they can perform may be scarce or nonexistent in their rural communiites. The farm, or some small nonfarm enterprise, offers their best hope for a decent living.

The rural American caught in these circumstances can never make a start as an independent entrepreneur unless he can obtain tools, supplies and a place to work. He has no savings, nor extra income or conventional credit for staking himself to what it takes for a beginning.

This is the need fulfilled by economic opportunity loans administered in rural areas by the Farmers Home Administration for the Office of Economic Opportunity.

We have far to go before we reach all the people we must among the 15 million disadvantaged in rural America. However, this program has reached more than 52,000 low-income rural families since it began in January 1965.

Individual loans not exceeding $3,500 each have been made to 44,500 families, to help them make a better living on small farms or go into nonagricultural enterprises that can yield them a better living in their home communities.

Families served through the economic opportunity loan program have taken up and made a success of more than 350 different types of occupations.

Groups of low-income people, totaling another 7,500 families, have formed cooperatives to acquire and operate expensive farm machinery that no one family can afford, or supply other goods, services, and working facilities the members can use in order to earn a better family income.

There are numerous examples I could cite of the successes individuals have made with economic opportunity loans, but permit me to give this example of a lobster fisherman in Penobscot, Maine. Married, with two teenage children, he had worked as a share fisherman for 37 years, using another man's gear for 25 percent of the net profit and ekeing out a bare living of about $2,000 a year.

In 1965 this fisherman qualified for a $2,500 economic opportunity loan from the Farmers Home Administration to get his own lobster boat, small truck, and other equipment. Now, as an independent lobster fisherman, he can net more in 6 months than he did working on shares the entire year. Last year he earned about $4,500 or more than $2,500 above what he earned the year before.

This is but one example of some 300 loans to fishermen in the coastal areas of the State, and 1,000 loans in rural Maine that have enabled low-income families to make immediate headway with loans that have given people the opportunity to do so.

Mr. President, every family who is able to start moving through this program may be subtracted from the distress rolls of rural America.

THE STRATEGIC BALANCE

Mr. BYRD of West Virginia. Mr. President, an interesting article, entitled "The Strategic Balance," appeared in the November–December 1967 issue of Ordnance. The author of the article, Dr. James D. Atkinson, suggests that the United States use its technological resources to develop a variety of offensive and defensive systems to limit an enemy's capabilities.

Dr. Atkinson, a native of Weston, Lewis County, W. Va., is professor of government at Georgetown University, research associate in the Georgetown Center for Strategic Studies, and a member of the British Institute for Strategic Studies. He is author of numerous books and articles in the field of defense analysis and national security affairs and recently served as a member of a special committee of the American Security Council headed by Gen. Bernard A. Schriever, which prepared a study for the House Armed Services Committee entitled "The Changing Strategic Military Balance: U.S.A. Versus U.S.S.R."

I ask unanimous consent to insert the article in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE STRATEGIC BALANCE: RATHER THAN SEEK MERE NUCLEAR PARITY WITH THE SOVIETS, THE UNITED STATES SHOULD USE ITS TECHNOLOGICAL RESOURCES TO DEVELOP A VARIETY OF OFFENSIVE AND DEFENSIVE SYSTEMS TO LIMIT AN ENEMY'S CAPABILITIES

(Dr. James D. Atkinson)

It has been said that U.S. military-technological progress forces the Soviet Union to react to a particular development. But is this, in fact, correct? Do our strategic patterns set the pace for Soviet developments, or do the Soviets pursue their own strategic goals quite independent of us?

It can be argued that in some areas we may be able to influence Soviet policy. We of the United States might be able to convince the U.S.S.R. that we can and will maintain superiority in the production of long-range missiles.

But it is unlikely in the extreme that the Soviets can be convinced that *they* are precluded from achieving scientific and technological breakthroughs in particular areas—such as reentry vehicles or advanced antiballistic missile (ABM) systems—which might lead to a high level of weaponry and give them superiority over the United States at a given moment in time.

Indeed, authoritative Soviet spokesmen and military journals bluntly indicate that the Soviet effort is directed toward the attainment of superiority. Thus *Communist of the Armed Forces* (No. 3, 1966) has stated that "winning and maintaining technical superiority over any probable enemy while there is still peace is today of decisive importance."

Especially under the impact of long lead times, the essence of strategy today is not so much the now; it is, rather, the *5 years* from now—and the *10 years* from now.

It is important, of course, whether or not we now have over-all strategic superiority over the Soviet Union. But it is even more important to understand the trends in the military-technological competition, for upon these depends our future security.

The July 1967 study of a special subcommittee of the National Strategy Committee of the American Security Council, "The Changing Strategic Military Balance: U.S.A. vs. U.S.S.R.," gives a blunt warning with reference to trends in the power equilibrium. The study states:

". . . For 1971 it appears that a massive megatonnage gap will have developed. U.S. delivery capability is estimated to range between 6,000 megatons and 15,000 megatons, whereas the estimated high for the Soviet delivery capability is 50,000 megatons, and the projection of the established Soviet range-curve indicates a low figure for the Soviets of approximately 30,000 megatons. On the basis of this projection, the U.S. and the U.S.S.R. will have reversed their roles in a 10-year period."

This study also points out a continuing strategic problem for the United States—the high yield of Soviet ICBM's and the resulting possibility of electromagnetic pulse or other unexpected weapons effects that might neutralize an entire U.S. ICBM complex however we might harden or shield it.

Allied to this is the possibility of a complete blackout of communications and the consequent transmission failure of a retaliatory order by the President. This is so since, as a result of the Nuclear Test Ban Treaty, "the United States can only guess at what unique effects might occur when very high-yield weapons are exploded. But the Soviet *know.*"

Because of these and other serious questions raised, the study has received wide attention in the American press. *The New York Times,* for example, in a front-page story on July 12, 1967, stated that "the Defense Department did not directly contradict the study's findings, but argues that deliverable megatonnage was not an accurate indicator of 'true military capability.'"

The Christian Science Monitor—in an extensive analytical article on July 20, 1967—stated that "there is growing concern that the Soviet capability may exceed, now or soon, that of the United States. Allied with that is a concern that the United States is taking insufficient steps to maintain its position."

In an important public address in San

Francisco on September 18, 1967, Secretary of Defense Robert S. McNamara announced "a light deployment of U.S. ABM's" against the possibility that, in future, the Chinese Communist "might miscalculate" and launch a nuclear attack against the United States.

The Secretary of Defense rejected large-scale ABM deployment by arguing that this would be directed against the Soviet Union and that the Soviet response would be a step-up in its offensive capabilities which would "cancel out our defensive advantage."

Although Mr. McNamara stated that "there is no point whatever in our responding by going to a massive ABM deployment to protect our population, when such a system would be ineffective against a sophisticated Soviet offense," the Joint Chiefs of Staff—as well as a number of informed Senators and Congressmen on the Senate and House Armed Services Committees—believe that a large-scale missile defense is a requirement in view of the rising Soviet military-technological threat.

Furthermore, it is by no means clear that the Soviet economy is capable of reacting fully to a large-scale U.S. deployment of ABM systems; for example, one which would include both land-based *and* sea-based missile-defense systems.

The evidence of more than two decades following the Second World War suggests that it has been the stabilizing factor of U.S. military-technological superiority which has prevented a general nuclear war. Today, primarily under the impact of the Soviet military-technological thrust—but to some extent from Chinese Communist efforts—that stability appears to be threatened.

If, for example, the Soviet strategists can achieve, or believe they have a very high percentage of achieving, an area-kill factor of incoming missiles (so that there is no problem of discrimination with reference to decoys and live warheads), they may at some point in time be tempted to launch a surprise nuclear strike upon the United States.

The deployment of a large-scale American ABM system or systems is one answer to the stabilization of power in the world. But it is not an end in itself.

If the military-technological revolution of our times teaches us anything, it is that there are no permanent plateaus in military technology. Instead there is constant change and rapid development.

To avoid a nuclear war and to safeguard the national security, therefore, we need to move forward with a mixture of both defensive and offensive weapon systems and to consider, for example, new types of air and sea-based strike systems made feasible by technological advances. The variety of our possible choices of action adds immeasurably to an enemy's planning problems if he attempts to prepare responses to a broad spectrum of capabilities.

A mixture of options—not reliance on one or two—compounds the task of the enemy and makes deterrence meaningful to him. There are many uncertainties and unknown factors in working out the problems of offense and defense alike, since the acid test is—and only is—actual war.

Those things—such as too great reliance on fixed missile systems—which simplify the problem, also reduce the uncertainties and unknown factors posed to the opponent. Simplification of our options may, in fact, tempt the enemy to consider a surprise attack.

Most of all, however, a "mix" of options is significant in the load factor which it places on a potential enemy's military structure. The Soviet Union is faced with a number of constraints. If we make the Soviet leaders consider a new option, it tends to limit their capabilities—as well as blunting their desires—for playing the game of strategic blackmail in world politics.

SOCIAL SECURITY COVERAGE OF EMPLOYEES OF MASSACHUSETTS TURNPIKE AUTHORITY

Mr. KENNEDY of Massachusetts. Mr. President, section 124a of the Senate committee bill would permit the Secretary of Health, Education, and Welfare to terminate the social security coverage of employees of the Massachusetts Turnpike Authority at the end of any calendar quarter following the filing of notice, as required by section 218(g)(i) of the Social Security Act.

This amendment to existing law is the product of amendment number 423, which I submitted on October 25, 1967, and certain changes suggested during consultations among representatives of the Department of Health, Education, and Welfare, the Finance Committee staff, and myself. It is very important to the 950 employees of the Massachusetts Turnpike Authority, and for that reason I was glad to submit it, when it became apparent that only legislation could bring the benefits of the new State retirement system to these employees without imposing a harsh double payroll tax on them for two years.

Mr. President, I have a series of letters to and from various individuals, including the Governor of the Commonwealth, which make clear the need for this provision in the committee bill. Since they speak for themselves, I ask unanimous consent that they be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

MASSACHUSETTS TURNPIKE AUTHORITY,
Boston, Mass., September 21, 1967.

Hon. JOHN W. GARDNER,
Secretary of Health, Education, and Welfare, Washington, D.C.

DEAR MR. SECRETARY: This is to bring to your official attention the desire of 950 employees of the Massachusetts Turnpike Authority, and the Authority as well, for termination within a reasonable time of an agreement under section 418 of title 42, U.S.C.A., whereby social security benefits are extended to such employees. Adherence to the requirement of a two year notice for such termination, as provided in section 418(g)(1b), would work such a hardship upon these employees that it would appear to be entirely inconsistent with the manifest purpose of the social security legislation.

It was at the instigation of the labor union representing operating employees that the Massachusetts Turnpike Authority appointed a staff committee to investigate and recommend a suitable pension plan for its employees. The committee was assisted in its work by Martin E. Segal Company, Inc., a nationally recognized consultant on welfare, health and pension programs. After a comprehensive review of numerous public and private pension plans, many of which were combined with social security benefits, the committee recommended adoption of a pension system under Chapter 32 of the Massachusetts General Laws which governs contributory retirement systems for public employees in the Commonwealth; and termination of the existing social security participation. This recommendation was approved by the Authority and accepted by the vast majority of union members voting by secret ballot.

Necessary legislation to enable the Authority to establish a pension system within the framework of the State's retirement plan was recently enacted by the Massachusetts legislature and approved by His Excellency, Governor John A. Volpe. It was only then that it was discovered that a two year notice would be required before the social security plan for Authority employees could be terminated. Since the cost of the State pension system in addition to social security payments would impose an intolerable burden upon both employees and the Authority, the only alternative would be to defer operation of the State system for two years.

Delay for such a long period would work a serious hardship upon employees of the Authority who would thereby be deprived of the liberal retirement, disability and death benefits of the State system.

Because a two year notice requirement for termination of social security participation seems to be grossly in excess of any apparent necessity and because such notice will unnecessarily delay, and may even deprive, many employees of the Authority of the substantial benefits to which they would be entitled under the new pension system, I urge you to exercise whatever power or discretion you may have to relieve this unconscionable situation.

Your sympathetic consideration of the problem is sincerely apreciated.

Very truly yours,

JOHN T. DRISCOLL,
Chairman.

THE COMMONWEALTH
OF MASSACHUSETTS,
Boston, September 25, 1967.

JOHN W. GARDNER,
Secretary of Health, Education, and Welfare, Washington, D.C.

DEAR MR. SECRETARY: As Treasurer and Receiver-General for Massachusetts, I am Chairman of the State Board of Retirement which is the agency of this Commonwealth through which the insurance system established by Title II of the Social Security Act is extended to services performed by employees of certain instrumentalities of the State, including the Massachusetts Turnpike Authority.

Recently the Legislature enacted Chapter 597 of the Acts of 1967 which provides for establishment of the Massachusetts Turnpike Authority Employees' Retirement System. This system would operate under the same statutory provisions as the 99 State, County and Municipal pension systems throughout the Commonwealth and would give employees of the Authority the same contributory retirement rights that are now enjoyed by other public employees.

But, because of the substantial expense involved, the Authority must terminate the participation of its employees under Social Security before the State pension system can be made applicable to them. A federal requirement of two years' notice for such termination would deprive Authority employees of the substantial benefits under the state retirement law until 1970.

It may be helpful to you, in determining what action is appropriate to assist the Authority's personnel, to know something of the benefits provided under Chapter 32 of the Massachusetts General Laws, the State's contributory retirement statute.

The basic benefit under this law for an employee retiring at or after age 65 is computed as 2½ per cent of average salary over the three highest consecutive years times the number of years of employment. Thus, a thirty years employee retires at 75 per cent at his highest three-year average salary; a twenty-year man retires at 50 per cent; and the twenty-five year man at 62½ per cent.

In addition, the law provides significant benefits for retirement on account of ordinary disability and on account of occupational disability; as well as for ordinary or accidental death before retirement. To illus-

trate—if an employee becomes permanently disabled as a result of an injury, in the course of his employment, he receives an annual pension of

1. Two-thirds of his final salary: plus
2. $312 for each child under eighteen; plus
3. A supplemental pension that is equal to the actuarial value of his accumulated contributions;
4. To a maximum of 100% of his final salary.

As you would expect, this comprehensive, liberal retirement program is expensive. After allowing for the employee contributions, which are 5 per cent of salary, the estimated cost to the employer-Authority will average 14 per cent of payroll over the next thirty-five years.

The State Board of Retirement, as contracting agency for the Commonwealth is prepared to take whatever action is required on its part to terminate the "Plan" submitted by the Massachusetts Turnpike Authority for extending the benefits of Title II of the Social Security Act to Authority personnel. It is my earnest hope that you can find the means to terminate the "Plan" on the part of the federal government within a reasonably short time.

Very truly yours,

ROBERT Q. CRANE.

MASSACHUSETTS GENERAL COURT,
Boston, September 26, 1967.

JOHN W. GARDNER,
Secretary, Department of Health, Education, and Welfare, Washington, D.C.

DEAR MR. SECRETARY: During the past several sessions of the Massachusetts General Court, the Committee on Pensions and Old Age assistance, of which I am Chairman, has considered petitions for legislation to extend the benefits of the State's retirement law to employees of the Massachusetts Turnpike Authority.

Each time the matter was considered, the Committee was sympathetic with the desires of employees of the Authority to have the same liberal retirement allowances that other public employees enjoy, but the bill had to be rejected because the means for paying the substantial cost could not be provided.

This year, the Massachusetts Turnpike Authority expressed its willingness to bear the expense of the retirement law for its employees and legislation was readily enacted to enable the Authority to establish a system providing contributory retirement benefits for Authority personnel according to the State Retirement Plan. An emergency preamble was affixed to the Act so that it would be put into effect without any delay.

Quite frankly, I was shocked and disappointed to learn that the new retirement system may have to be postponed until 1970 because the federal government requires a two-year notice of termination of the Social Security Plan for Turnpike employees.

You would be performing a real service to the employees of the Massachusetts Turnpike Authority, their families and dependents if you can devise some means whereby the two-year notice can be waived.

Very truly yours,

HARRY DELLA RUSSO,
State Senator.

THE COMMONWEALTH
OF MASSACHUSETTS,
Boston, September 28, 1967.

Hon. JOHN W. GARDNER,
Secretary of Health, Education, and Welfare, Washington, D.C.

DEAR MR. SECRETARY: Massachusetts is proud of the liberal retirement, disability and death benefits that have been provided for the public employees of this Commonwealth and its counties, cities and towns. These benefits are the equal, and in many cases are far superior, to those of any state in the union. As Governor of the Commonwealth, I was pleased to sign into law recently a bill providing for the establishment of the Massachusetts Turnpike Authority employees' retirement system which would give more than 900 employees of this quasi public agency the same pension rights that are enjoyed by thousands of other public workers. A copy of this bill is enclosed for your convenience.

In this matter where both labor and management are completely satisfied, I am disturbed to learn that their agreement cannot be brought to fruition because of a requirement for two years' notice to terminate an existing agreement with the federal government under which social security protection has been afforded to Massachusetts Turnpike Authority personnel.

My purpose, therefore, is to enlist your good offices to relieve the impasse that has developed so that employees of the Authority may enjoy, without an extended delay, the benefits and protection that were provided for them in the recently enacted law. Some indication of the urgency of this matter is evident from the emergency preamble adopted by the Legislature so that the new pension system could be made immediately available by the Authority.

I would be sincerely grateful for whatever you can accomplish in behalf of the public employees of the Commonwealth who are affected by the recent act.

Sincerely,

JOHN A. VOLPE,
Governor.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, SOCIAL SECURITY ADMINISTRATION,
Baltimore, Md., October 2, 1967.

Mr. ROBERT Q. CRANE,
State Social Security Administrator, State Board of Retirement, State House, Boston, Mass.

DEAR MR. CRANE: Commissioner Ball has asked me to reply to your letter of September 6, 1967, concerning the termination of the State's social security coverage agreement with respect to the services of employees of the Massachusetts Turnpike Authority. You requested information as to whether termination is necessary because of recent legislation providing for the establishment of a retirement system for the Authority's employees and the earliest date the termination may be made effective.

Subsection 218(d) of the Social Security Act (section 418(d)(1), United States Code, Annotated) provides that no agreement with any State may be made applicable, either in the original agreement or by any modification thereof, to services performed by employees as members of any coverage group in positions covered by a retirement system either (A) on the date such agreement is made applicable to such coverage group, or (B) on the date of enactment of paragraph (2) of subsection 218(d). The agreement between the State of Massachusetts and the Secretary of Health, Education, and Welfare was made applicable to the coverage group composed of employees of the Massachusetts Turnpike Authority by a modification executed on April 19, 1954. Paragraph (2) of Subsection 218(d)(1) of the Social Security Act was enacted on September 1, 1954. Because the employees of the Authority were not in positions under a retirement system on either date the provision of subsection 218(d)(1) of the act did not constitute a bar to the coverage of their services under the Massachusetts social security coverage agreement.

There is no provision in the act prohibiting the continuation of social security coverage with respect to the services of employees whose positions become impressed with a retirement system after the State's agreement has been made applicable to them. Consequently, even though the positions of the employees of the Massachusetts Turnpike Authority may become impressed with a retirement system at a future date, their services will continue to be covered under the Massachusetts social security coverage agreement until such time as the coverage is terminated. A State's coverage agreement may be terminated in its entirety or with respect to any coverage group only as provided in subsection 218(g) of the act.

Under subsection 218(g)(1) of the act, upon giving at least two years advance written notice to the Secretary, the State may terminate its agreement in its entirely or with respect to any coverage group effective at the end of a calendar quarter specified in the notice, provided the coverage to be terminated has been in effect for 5 years prior to the receipt of the notice. Therefore, since the coverage for the group composed of the employees of the Massachusetts Turnpike Authority has been in effect since January 1, 1954 (the effective date of Modification No. 1 to the State's agreement) we could, if the State wishes, consider your letter a notice of intention to terminate that group's coverage effective at the earliest possible date; i.e., at the end of the calendar quarter ending September 30, 1969.

Under subsection 218(g)(2) of the act, the Secretary may terminate the agreement in its entirety or with respect to any coverage group designated by him if he finds that the State has failed or is no longer legally able to comply substantially with any provision of its agreement or of section 218 of the act. Before the Secretary may terminate, he must give the State notice and an opportunity for a hearing. The termination would become effective at any time deemed appropriate by the Secretary within 2 years from the date of his notice, unless prior to that time he finds that there no longer is any such failure or that the cause for such legal inability has been removed. When a political subdivision has been legally dissolved, or otherwise ceases to exist as an employer, the Secretary may make a finding of inability to comply and terminate upon request of the State, and a waiver by the State of the notice of hearing. In such cases the termination is effective as of the date the entity ceased to exist.

Once an agreement is terminated in its entirety, the State and the Secretary may not again enter into a social security coverage agreement. If the agreement is terminated with respect to the Massachusetts Turnpike Authority, the Secretary and the State may not thereafter modify the agreement to again make it applicable with respect to the coverage group composed of Massachusetts Turnpike Authority employees. If the State wishes that we consider your letter as constituting the required written notice to the Secretary by the State, we would appreciate a letter to this effect over the signature of the appropriate State official. As indicated above, this would enable the State to terminate coverage of the Massachusetts Turnpike Authority, effective as of the end of the calendar quarter ending September 30, 1969.

Sincerely,

HUGH F. MCKENNA,
Director, Bureau of Retirement and Survivors Insurance.

EMPLOYEES OF TOLL ROADS, BRIDGES AND TUNNELS, STATE OF MASSACHUSETTS,
Boston, Mass., October 26, 1967.

Hon. EDWARD M. KENNEDY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: As already you are aware, our Union vigorously supports and is grateful for your efforts to expedite transfer of employees of the Massachusetts Turnpike

Authority from the Federal Social Security System to the Massachusetts Contributory Retirement System.

We are the duly certified exclusive collective bargaining representative of those employees. The pending transfer was initiated by us, and agreed to in collective bargaining with the Authority, after long and careful consideration of an exhaustive anaylsis of the respective benefits of the Federal and Massachusetts Systems made at the joint behest of the Authority and ourselves by Martin E. Segal Company, Incorporated, of New York and Boston, nationally known consultants on health, welfare, and pension programs.

We are satisfied that the State's "fringe benefit package"—including pension and disability benefits and life, medical, and hospitalization insurance—is in the aggregate more generous than that of the Social Security Act. Furthermore, many of the Authority's employees have already established under the Social Security Act retirement benefits which will supplement the State benefits available to them upon their transfer from the Federal to the State System.

Chapter 597 of the Acts of 1967 was enacted by the General Court and signed by Governor Volpe expressly to make it possible for employees of the Turnpike Authority to join the State Retirement System. If I may say so, our Union takes equal credit with the Authorty for passage of that legislation; it was a common effort to which the Legislature and Governor responded quickly and willingly.

We—and the employees we represent—will be adversely affected if the two-year waiting period provision in the Social Security Act is not amended so that the Turnpike Authority may be allowed to withdraw promptly from the Federal System and achieve the purpose of Chapter 597 by placing its employees under the State System.

Yours sincerely,

JOHN A. MCGRATH,
Secretary-Treasurer,
Teamsters Union Local 127.

COTTON DISASTER IN THE SOUTHEAST

Mr. SPARKMAN. Mr. President, floods, earthquakes, hurricanes, and other natural disasters have dramatic impact. We are horrified at the damage which they wreak. Our sympathies are aroused, and we do those things which are necessary to relieve the suffering which has resulted from the disaster, and to assist the people of the region to recover from the economic damages which they have sustained.

Similarly we are concerned about hunger and joblessness and the economic plight of urban people who cannot make it on their own. We do something about those people, and this is as it should be.

I want you to think with me about a current natural disaster, less dramatic than tornado or earthquake but equally terrible in its economic consequences, which has befallen a large area of the South within the last few weeks. This disaster has extended from the Carolinas westward across Georgia, Alabama, Mississippi, and Tennessee, and it has resulted in the threatened bankruptcy of thousands of farmers and other thousands of small merchants, ginners, and others who serve the cotton-growing community.

And this is a disaster. Let no one look upon it as anything less than a disaster, for it has resulted in a total crop loss in hundreds of counties throughout these States.

Let me tell you what happened.

It began, really, in 1966, when cotton yield fell 50 percent from 1965.

The cotton farmers thus began the 1967 season already saddled with debt and loss incurred in 1966. They began hopefully, however, and the cotton was planted. Late cold and other factors caused many of these farmers to plant the second, the third, and, in many instances, the fourth time before they could get a stand of cotton. As a result, the cotton began to mature late.

Finally, an early freeze hit the cotton on two successive nights, and the crop, some of it almost ready to open, was ruined. To give you some idea of the extent of the loss, I have recent figures from some North Alabama counties on the extent of the damage. In Lawrence County, which ginned 56,000 bales in 1965, only 1,678 bales had been ginned at the end of last week, and I am told that the maximum estimate for the county is 3,000 bales—a little more than 5 percent of 1966 production. In Limestone County, where 68,000 bales were ginned in 1965, they will be lucky if they reach 5,000 bales for 1967. In Lauderdale County, where the 1965 ginning was 29,800 bales, a recent report said that 356 bales had been ginned, but that the county might reach 2,000 bales for the year.

My own county, Madison, ginned 74,000 bales in 1966. This year it may gin 2,500 bales.

I could go on from county to county and from State to State, reciting similar figures. I would like to note that 1966 was a bad year, and that production was low, so low that many farmers did not break even on that year. Now they face what amounts to an almost total loss.

I have heard of 50-percent crop failures, and our farmers have survived but this blow to cotton in the Southeast is almost unprecedented.

It hits farmers the hardest, for they have worked this year only to end it heavily in debt and unable to finance themselves. But it strikes at the whole economy of the area, especially that segment which we call agribusiness, the people who sell fertilizers, insecticides, farm equipment and so forth. They are creditors who cannot collect, and some of them face bankruptcy. Ginners are in an even worse predicament, with no cotton to gin.

There are programs which will be of some assistance to the farm economy of the Southeast. The Farmers Home Administration has moved into the situation, and is beginning to process applications for disaster loans to enable farmers to operate in 1968. The Small Business Administration has a program of low-interest loans which may help some ginners and other small business operators affected by the crop failure.

The truth is that these programs, while helpful, are not enough. This is an emergency situation which calls for emergency action.

What is needed is long-term financing at low interest rates. These farmers have received a body blow, and they cannot recover in a single year. In addition, the laws provide safeguards for Farmers Home Administration loans and Small Business Administration loans which will prevent these agencies from making needed loans in some instances. Some of these people simply will not have the kind of collateral or the amount of collateral which these agencies must, under the law, require of them.

I ask the Senators, all of them, to join with those of us who represent the States which have suffered this disaster, in thinking toward some adequate remedy for what could be the death blow for cotton farming in the Southeast. Already many young men are turning away from farm life as too hard and too uncertain to join the urban trend. Some of those who have elected to stick with agriculture must be wondering today if they have not taken the wrong course.

I want to save the farm economy of my home county, my State and the Southeast. I believe that all of us want to keep a strong and productive agriculture. I hope, within the next few days, to offer some proposals designed to assist in this present disaster and in other similar total failures which may strike in other areas and other crops in future years.

MARINES NEED GEAR

Mr. HATFIELD. Mr. President, we have heard numerous complaints from time to time about the frequent and sometimes tragic failure of the M–16 automatic rifle to perform as it ought to perform; and we have heard numerous explanations and excuses by the Department of Defense about the M–16. But time after time here in the U.S. Senate and elsewhere in this land I have learned of specific instances where the M–16 jammed, failed to fire properly, and was, therefore, in some measure responsible for the death of American fighting men in Vietnam. Now today in the morning mail I received a letter from a man in Indiana. This letter included a copy of a letter—a tragic letter in retrospect—from a Marine captain who recently was killed in Vietnam. The Marine was Capt. Milton G. Kelsey. Captain Kelsey was killed on November 13—just 3 days after he wrote this letter. He was killed while he served as pilot for Gen. Bruno Hochmuth, who also was killed.

Captain Kelsey wrote his uncle that 60 percent of the choppers in his vicinity were grounded because of a shortage of parts. I repeat: A shortage of parts. As a matter of fact, the captain wrote 3 days before his death, and I quote:

> We have about 60 per cent of our choppers down cuz we can't get the parts to fix them. Kinda makes me sick to see them just sitting there. With the bad weather approaching us now we're also going to have problems navigating since the primary navigation system in a Marine chopper is called Tacan and we're all real short on parts to fix them. Guess we'll have to fly without them even tho it will make things more dangerous than they are already. I really can't understand why we can't get parts.

As a frequent critic of the Johnson administration's policy in Vietnam, Mr. President, I feel that I have a special obligation to make sure that I do everything which I can to assure that our troops in Vietnam have the best hardware possible under the circumstances. I have said this time and time again. I believe this is the duty of responsible opposition.

So I want to ask at this time: What does the Johnson administration say to the family of Captain Kelsey and to the chopper pilots in Vietnam? Secretary McNamara spends an estimated $75 million a day in Vietnam to keep our war machine going and yet—apparently—this machine fails to deliver a satisfactory M–16 rifle or sufficient parts for the choppers. The Johnson administration speaks of the need for American soldiers in Vietnam but evidently fails again to deliver the goods in sufficient quantity and quality to do the job. First, the M-16 rifle and now a shortage of parts for helicopters.

Mr. President, I ask unanimous consent to have a copy of Capt. Milton Kelsey's letter printed in the RECORD. I also ask to have a copy of 1st Lt. M. P. Chervenak's letter about the M–16 rifle, as published in the Washington Post on October 29, 1967, be printed in the RECORD. And I ask, finally, that my distinguished colleagues in the U.S. Senate Armed Services Committee examine Captain Kelsey's allegations with the utmost care and speed to make sure that the administration delivers the gear—and enough of it—to the men on the fighting line who need it.

This matter of satisfactory military equipment is a matter which should not divide us in any way; and it is a matter in which I am sure all Americans are concerned.

I have opposed our presence in Vietnam for 3 years.

I oppose it now.

I have supported our fighting men for 3 years in Vietnam.

I support them now.

I repeat: The United States should and must give its troops the armor, the bullets, the guns and the planes and choppers which they need.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. MARINE CORPS,
FLEET MARINE FORCE, VIETNAM,
November 10, 1967.

UNCLE BILL AND AUNT EILEEN: Guess it's about time I got off my rear and get a letter off. Thanks much for the package. All arrived in good condition and the fudge was outstanding again.

After I returned from Australia from R. & R., they put me to work again in short order. Lately we haven't been able to do much flying although the weather has really been clement. We have about 60% of our choppers down and we can't get the parts to fix them. Kinda makes me sick to see them just sitting there. With the bad weather approaching us now we're also going to have problems navigating since the primary navigation system in a Marine chopper is called Tacan, and we're all real short on parts to fix them. Guess we'll have to fly without them, even tho it will make things more dangerous than they are already. I really can't understand why we can't get parts.

We had a beauty of an accident here yesterday. One of our own fighter bombers was returning to Da Nang from a mission up north. It seems he hadn't dropped all his bombs where he was supposed to—one was hanging on which he didn't know about and it fell as he flew over Phu Boi—a 500 pounder. It really tore up the aircraft parking line and wrecked one chopper. Somehow no one was hurt, but there sure could have been lots hurt. I pity the poor pilot when they get hold of him.

We had one of our pilots shot down on Sunday over by Laos, with we think a 37mm Anti-Air gun which has a range of 20,000 ft.! He managed to put it down safely and the crew all got out unscratched. It went down in such an unsecure area (50 yds. from Laos!) that we had to get in some bombers and blow it up.

Haven't heard much for details as to when and if I go down to Da Nang to fly Gen. Cushman. It would be boring as I hate flying VIP's (more trouble than they're worth and sometimes very unreasonable) but it would be pretty safe.

Guess that's about it for now. Thanks again for the box of goodies.

MILT.

[From the Washington Post, Oct. 29, 1967]

THE M–16 IN COMBAT

I am a Marine first lieutenant and have been serving in a rifle company in Vietnam since the 15th of May. Ever since my arrival, immediately following the battle of Hill 881, one controversy has loomed above all else—that of the M–16 rifle. I feel that it is my duty and responsibility to report the truth about this rifle as I have seen it. My conscience will not let me rest any longer.

The idea of a lightweight, automatic weapon is a fine idea and I do not categorically reject the M–16 rifle as being useless. I do believe, however, that there is a basic mechanical deficiency within the weapon which causes a failure to extract. This failure to extract a spent casing from the chamber allows another round to be fed in behind the unextracted casing causing the rifle to jam. When this occurs, a cleaning rod and precious seconds are needed to clear the chamber. A Marine in a firefight does not have those precious seconds.

We are constantly told that improper cleaning and unfamiliarity with the weapon cause any malfunction which may occur. Any rifle that requires cleaning to the degree they speak of has no place as a combat weapon.

I believe that the cold, hard facts about the M–16 are clouded over by a fabrication of the truth for political and financial considerations. I have seen too many Marines hiding behind a paddy dike trying to clear their rifles to accept these explanations any longer.

Our battalion has fired these rifles on numerous occasions, aboard the ship and in the field, to try and find a solution for this problem. All rifles were cleaned and inspected prior to these tests. Having supervised several of these tests, I will swear to the fact that at least 25 to 40 per cent of the rifles malfunctioned at least once under these optimum conditions.

During a recent firefight on the 21st of July, no fewer than 40 men in my company reported to me that their rifles had malfunctioned because of failures to extract. Because of these inoperative rifles, we were severely hampered in our efforts to extract a platoon which had been pinned down. Lack of sufficient firepower also caused us great difficulty in getting our casualties out. Having 40 rifles malfunction in any rifle company is a serious matter, and in an understrengthened company such as ours, the gravity of the situation is greatly increased.

This problem is increasing in its seriousness and I know that it is the major morale problem in the company. Unfortunately, all our complaints and the results of our tests never seem to reach willing ears. I do not mean for this letter to be a slap at my battalion, the Marine Corps, the Colt Manufacturing Co., the Defense Department or anyone else concerned. It is written out of concern for the safety of the men in my company and of the great morale problem that the M–16 causes. I will stand and stake my reputation on the fact that we have had men wounded and perhaps killed because of inoperative rifles. The men in the company have absolutely no confidence in the weapon they carry, and yet, they will be asked to go on another operation in the very near future carrying this very same weapon. Word will come down from higher up, however, stating that no one will take a negative attitude about the M–16, nor will they speak of the weapon in a derogatory manner to any newsman.

I can only hope that men such as yourself, who are in a position to do something, will do something. The search for truth is paramount in all of us, and I ask you to look into this problem and search for the truth there. I will stand behind every word that I have written. I think that this problem has been overlooked too long and too many attempts have been made to gloss over a situation that endangers the lives of men.

M. P. CHERVENAK,
Executive Officer, Hotel Company, 2d Battalion, 3d Marine, FPO, San Francisco, Calif.
SOUTH VIETNAM.

CRIME IN THE DISTRICT OF COLUMBIA

Mr. BYRD of West Virginia. Mr. President, during October 1967, a total of 3,777 crime index offenses were reported in the District of Columbia. This was an increase of 867 offenses, or 29.8 percent, over October 1966.

I ask unanimous consent to insert in the RECORD Metropolitan Police Department statistics concerning this rise in crime.

There being no objection, the material was ordered to be printed in the RECORD as follows:

CRIME IN THE DISTRICT OF COLUMBIA,
OCTOBER 1967

During October 1967, a total of 3,777 Crime Index Offenses were reported in the District, an increase of 867 offenses or 29.8% from October 1966.

During the month increases occurred in the classifications of Homicide, up 8 offenses or 61.5%; Rape, up 4 offenses or 44.4%; Robbery, up 153 offenses or 42.5%; Housebreaking, up 364 offenses or 36.5%; Larceny ($50 & Over), up 229 offenses or 43.8%; and Auto Theft, up 121 offenses or 16.4%.

A decrease occurred in the classification of Aggravated Assault, down 12 offenses or 4.5%.

The increases for this month brought the trend of Crime Index Offenses (total offenses for the past twelve months) to 37,364, an increase of 9,451 offenses or 33.8% from the trend of October 1966, and an increase of 278.6% from the low point of April 1957.

Clearance of Crime Index Offenses for the twelve month period ending with October 1967, were down to 24.6% as compared with 27.1% for the twelve month period ending with October 1966.

METROPOLITAN POLICE DEPARTMENT

CRIME INDEX OFFENSES, OCTOBER 1967

Classification	October 1966	October 1967	Change Amount	Change Percent	Cumulative to date Fiscal year 1967	Cumulative to date Fiscal year 1968	Percent change	Total 12 months ending October 1967
Criminal homicide	13	21	+8	+61.5	46	61	+32.6	172
Rape	9	13	+4	+44.4	46	59	+28.3	163
Robbery	360	513	+153	+42.5	1,378	1,938	+40.6	5,463
Aggravated assault	269	257	−12	−4.5	1,216	1,148	−5.6	3,169
Burglary	997	1,361	+364	+36.5	3,857	4,829	+25.2	13,761
Larceny ($50 and over)	523	752	+229	+43.8	1,942	2,563	+32.0	6,549
Auto theft	739	860	+121	+16.4	2,699	3,170	+17.5	8,065
Total	2,910	3,777	−867	+29.8	11,184	13,768	+23.1	37,342

CRIME INDEX OFFENSES REPORTED

Precinct	October 1966	October 1967	Change Amount	Change Percent
1	214	218	+4	+1.9
2	344	378	+34	+9.9
3	289	323	+34	+11.8
4	46	101	+55	+119.6
5	201	183	−18	−8.9
6	131	163	+32	+24.4
7	69	55	−14	−20.3
8	86	135	+49	+57.0
9	287	386	+99	+34.5
10	298	463	+165	+55.4
11	344	469	+125	+36.3
12	142	197	+55	+38.7
13	286	364	+78	+27.3
14	168	340	+172	+102.4
Harbor	5	2	−3	−60.0
Total	2,910	3,777	+867	+29.8

CRIME INDEX OFFENSES REPORTED, OCTOBER 1967

Precinct	Total	Criminal homicide	Rape	Robbery	Aggravated assault	Housebreaking	Larceny ($50 and over)	Auto theft
1	218	---	---	35	11	33	95	44
2	378	9	---	69	43	101	73	83
3	323	1	---	26	12	95	150	39
4	101	---	1	18	5	30	23	24
5	183	1	---	37	17	62	23	43
6	163	---	---	23	4	63	30	43
7	55	1	---	6	---	21	11	16
8	135	1	1	5	3	36	63	26
9	386	4	2	60	40	169	50	61
10	463	---	2	77	38	182	55	109
11	469	2	3	49	33	183	55	144
12	197	---	1	16	6	89	34	51
13	364	2	---	49	34	150	72	57
14	340	---	3	43	11	146	17	120
Harbor	2	---	---	---	---	1	1	---
Total	3,777	21	13	513	257	1,361	752	860

PROHIBITION OF GAMBLING ACTIVITIES BY BANKS AND SAVINGS AND LOAN ASSOCIATIONS

Mr. SPARKMAN. Mr. President, I ask the Presiding Officer to lay before the Senate a message from the House of Representatives on H.R. 10595.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 10595) to prohibit certain banks and savings and loan associations from fostering or participating in gambling activities and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SPARKMAN. I move that the Senate insist upon its amendments, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. SPARKMAN, Mr. PROXMIRE, Mr. MUSKIE, Mr. BENNETT, and Mr. HICKENLOOPER conferees on the part of the Senate.

ONE-YEAR EXTENSION OF THE EMERGENCY PROVISIONS OF THE URBAN MASS TRANSPORTATION PROGRAM

Mr. SPARKMAN. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on House Joint Resolution 859.

The PRESIDING OFFICER laid before the Senate House Joint Resolution 859, extending for 1 year the emergency provisions of the urban mass transportation program, which was read twice by its title.

Mr. SPARKMAN. Mr. President, I ask unanimous consent for the immediate consideration of the joint resolution.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Alabama?

There being no objection, the Senate proceeded to consider the joint resolution (H.J. Res. 859).

The PRESIDING OFFICER. The question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 859) was ordered to a third reading, read the third time, and passed.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT TO MONDAY

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the provisions of Senate Concurrent Resolution 51, that the Senate stand in adjournment until next Monday, November 27, at 12 o'clock noon.

The motion was agreed to; and (at 1 o'clock and 30 minutes p.m.) the Senate adjourned until Monday, November 27, 1967, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 22, 1967:

DISTRICT OF COLUMBIA COURT OF GENERAL SESSIONS

Arthur Christopher, Jr., of the District of Columbia, to be associate judge of the Distric of Columbia court of general sessions for the term of 10 years.

DISTRICT OF COLUMBIA REDEVELOPMENT LAND AGENCY

Pursuant to the provisions of section 4(a) of Public Law 592, 79th Congress, approved August 2, 1946, as amended, the following-named person for appointment as a member of the District of Columbia Redevelopment Land Agency:

Alfred P. Love, to fill the unexpired term of Richard R. Atkinson, resigned, whose term expires March 3, 1968.